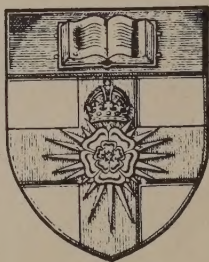


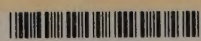
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B I L L S,

PUBLIC:

SIX VOLUMES.

— (3.) —

ELEMENTARY EDUCATION (EXEMPTION
FROM SCHOOL ATTENDANCE)

TO

LIVERPOOL COURT OF PASSAGE.

SESSION 1.—5 *February* 1895——6 *July* 1895.

SESSION 2.—12 *August* 1895——5 *September* 1895.

VOL. III.

1895.

B I L L S :

1895.

SIX VOLUMES:—CONTENTS OF THE THIRD VOLUME.

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-

A

B I L L

TO

Regulate the conditions under which Children are
Exempted from Attendance at School.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** From and after the commencement of this Act, the certificate required under the Elementary Education Acts, 1870 to 1893, and the Factory and Workshop Acts, 1878 to 1891 (herein-after in this Act called the principal Acts), so as to enable a child to be employed, shall (except in the cases mentioned in this Act) be
10 given without reference to any standard of proficiency, and so much of those Acts, and of any regulations and orders thereunder as relates to a certificate of proficiency, is hereby repealed.
- 2.** From and after the commencement of this Act, the certificate required under the principal Acts so as to enable a child to be
15 employed, whether full time or half time, who has not reached the ages prescribed by the principal Acts, or by any bye-law approved by the Education Department under these Acts, for full time or half time employment respectively, shall be a certificate of previous due attendance under the provisions of this Act.
- 20 **3.** A certificate of previous due attendance for the purpose of the principal Acts and this Act shall be according to such standards of attendance as may be from time to time fixed with respect to full time and half time employment respectively, by an order made by a Secretary of State and the Education Department, provided that
25 the standards fixed shall not extend over any period previous to the *passing of this Act* greater than a period of *two years* immediately preceding the passing of this Act.

Abolition
of certificates
of pro-
ficiency for
purposes of
employment.

Establish-
ment of cer-
tificates of
previous due
attendance
for purposes
of employ-
ment.

Amendment
of the law as
to certificates
of due
attendance.

An order under this section to come into force at the commence-
ment of this Act shall be published in the London Gazette on or
[Bill 142.]

A.D. 1895. before the *first day of October* in the present year, and any subsequent order shall not come into force until *six months* after similar publication.

Method of
obtaining
certificate
of due
attendance.

4. Any local authority, parent, or other person interested in the employment of a child under this Act may require the principal 5 teacher for the time being of any certified efficient school which such child has attended, to furnish a certificate of previous due attendance according to the standard fixed by an order made by a Secretary of State and the Education Department, on payment to the said principal teacher of a fee not exceeding *sixpence* for each 10 such certificate or copy of such certificate.

Certificate
of pro-
ficiency in
special cases.

5. Where it is impossible for a child to obtain a certificate of previous due attendance as required by this Act, either by reason that he has attended a school other than a certified efficient school, or has not resided in England for a sufficient time, such child may 15 be employed either full time or half time if, on production of a statutory declaration made by the parent or guardian of such child, he obtains from the local authority such a certificate of exemption as is in this section mentioned.

The said certificate of exemption shall be in place of the certificate 20 of previous due attendance only, and all other provisions and conditions affecting the school attendance and employment of children contained in this Act shall apply in the case of such child.

A certificate for the purposes of this section shall be according to 25 such degree of proficiency with reference to the Education Code for the time being as may be fixed by a Secretary of State and the Education Department.

Repeal.

6. The Acts mentioned in the schedule to this Act are, to the extent mentioned in the third column of the schedule, hereby 30 repealed.

Commence-
ment, extent,
and short
title.

7.—(1.) This Act shall commence on the *first day of January one thousand eight hundred and ninety-six*.

(2.) This Act shall not extend to Scotland or Ireland.

(3.) This Act may be cited as the Elementary Education Act, 1895, 35 and shall be construed as with the Elementary Education Acts, 1870 to 1893.

SCHEDULE.

A.D. 1895.

Year and Chapter.	Title of Act.	Extent of Repeal.
39 & 40 Vict. c. 79 -	The Elementary Education Act, 1876.	Section five, First Schedule.
5 41 Vict. c. 16 - -	The Factory and Work-shop Act, 1878.	Section twenty-six, so far as it relates to a certificate or standard of proficiency.
43 & 44 Vict. c. 23 -	The Elementary Education Act, 1880.	Section four, so far as it relates to a certificate or standard of proficiency.
10 54 & 55 Vict. c. 75 -	The Factory and Work-shop Act, 1891.	Section 18.

Elementary Education (Exemption from School Attendance).

A

B I L L

To regulate the conditions under which
Children are Exempted from Attendance at School.

(*Prepared and brought in by*
Sir Richard Temple, Mr. Tomlinson,
and Mr. Dodd.)

Ordered, by The House of Commons, to be Printed,
27 February 1895.

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80, West Nile Street, Glasgow; or
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[*Price ½d.*]

[Bill 142.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Acton to put in force the Lands Clauses Acts.

A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Acton and it is requisite that the same should be confirmed by Parliament:

33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

10 1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force.

Confirmation
of Order.

15 2. The School Board for Acton shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than
[Bill 262.]

A.D. 1895. — domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provisional Order Confirmation (Acton) Act 1895. 5

THE SCHOOL BOARD FOR ACTON COUNTY OF MIDDLESEX.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the parish of Acton in the county of Middlesex require to purchase certain pieces of land for the purposes of the 10 Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the lands so required to be purchased are set forth in the 15 schedule hereunder written :

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to 20 put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required : 25

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the 30 proposed Order :

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the pieces of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of 35 lands otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

A piece of land containing in the whole about 1,671 yards super situate lying and being on the south side of Osborne Road in the parish of Acton in the county of Middlesex and bounded on the east by a messuage and premises
5 known as Osborne Road Board School on the west by No. 59 Osborne Road on the north partly by the said Osborne Road and partly by gardens in the rear of 43 45 and 47 Osborne Road and on the south by a nursery in the occupation of Mr. Charles Green or his under-tenants :

Together with the messuages and premises erected on the said piece of land
10 and now known as 41 Osborne Road (Steeple House) and the shop house stables pigstyes and premises erected on the said piece of land.

"A piece or parcel of land containing about 582 yards super situate lying and being in the Osborne Road in the parish of Acton in the county of Middlesex bounded on the north by the said Osborne Road and on the east west and south
15 by land belonging or reputed to belong to Mr. Robert Murton (being the land marked No. 1 on the plan and herein-before described) :

Together with the dwelling-houses and premises known as the Empress Chambers and used as lodging-houses and known as 43 45 and 47 Osborne Road Acton Middlesex.

20 All that piece of nursery land containing about 1,100 yards super situate and being on the north side of Bollo Bridge Road in the parish of Acton in the county of Middlesex bounded on the east by the Anchor Brewery on the west by No. 62 Bollo Bridge Road on the north by the yard and premises belonging or reputed to belong to Mr. Robert Murton (marked No. 1 in the plan and
25 herein-before described) and on the south by Bollo Bridge Road together with the greenhouses stoke-holes potting-sheds and premises erected thereon.

Elementary Education
Provisional Order
Confirmation
(Acton). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Acton to put in force the Lands Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

Ordered, by The House of Commons, to be Printed,
21 May 1895.

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and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & CO., 19, Hanover Street, Edinburgh, and
99, West Nile Street, Glasgow; or
HOGES, FICKEIS, & CO., LIMITED, 143, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 262.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Bristol to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Bristol and it is requisite that the same should be confirmed by Parliament : 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Bristol shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic

[Bill 263.]

A.D. 1895. servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provisional Order Confirmation (Bristol) Act 1895.

5

THE SCHOOL BOARD FOR THE CITY OF BRISTOL
COUNTY OF GLOUCESTER.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber the 6th day of April 1895.

WHEREAS the School Board for the city of Bristol in the county of Gloucester require to purchase certain pieces of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement :

15

And whereas the lands so required to be purchased are set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required :

25

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order :

30

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the pieces of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

35

Signed this 6th day of April 1895.

G. MILLER

One of the Assistant Secretaries of the
Education Department.

40

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

1. The following are the descriptions of the lands proposed to be taken
videlicet:—
2. First.—All that piece of land containing one-and-a-half acres or there-
5 abouts being part of a certain close of land situate in the district of the united
parishes of Saint James and Saint Paul in the city and county of Bristol and
bounded on or towards the eastern side by Fairfield Road on or towards the
western and northern sides by other parts of the said close :
3. Secondly.—All that piece of land containing one acre and seventeen
10 perches or thereabouts situate in the parish of Westbury on Trym in the said
city and county of Bristol adjoining the Saint Albans Church and the footpath
leading from Cold Harbour Lane to Etloe Road together with a piece of
ground (of which the footpath forms a part) of the width of twenty feet and
adjoining the piece of land aforesaid and the said church :
- 15 4. Thirdly.—All that plot of land containing one hundred and ten square
yards or thereabouts part of a close of land situate in Sandbed Lane in the
parish of Saint Philip and Jacob (Without) in the said city and county of
Bristol and adjoining the Mina Road Board Schools bounded on the northern
side by the said Schools and on the southern and western sides by other part
20 of the said close of land.
5. The following are the names of the owners or reputed owners lessees and
occupiers of the lands proposed to be taken.

AS TO THE LAND FIRST DESCRIBED.

25	No. on Plan.	Description.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
	1	As described in para- graph 2 above.	Henry Derham Wal- ter Derham.	Henry Charles Lawrence.	Charles Blackmore.

AS TO THE LAND SECONDLY DESCRIBED.

30	No. on Plan.	Description.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
35	2	As described in para- graph 3 above.	Reginald Wyndham Butterworth Charles Daniel Cave Wil- liam Henry Greville Edwards John Har- vey Henry St. Vin- cent Ames.	- - -	William Bigg sub- tenant Dalton James Hill.

*Elementary Education Provisional
Order Confirmation (Bristol).*

A.D. 1895.

AS TO THE LAND THIRDLY DESCRIBED.

No. on Plan.	Description.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
3	As described in paragraph 4 above.	Richard Mogg Bryant Junior.	- - -	Richard Mogg Bryant Junior.

**Elementary Education
Provisional Order
Confirmation
(Bristol). [H.L.]**

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Bristol to put in force the Lands Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

*Ordered, by The House of Commons, to be Printed,
21 May 1895.*

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FREGG, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 263.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Acts 1870 to 1893 to enable the School Board for Croydon to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Acts 1870 to 1893 on behalf of the School Board for Croydon and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2.—(1.) The School Board for Croydon shall not under the powers of this Act purchase or acquire ten or more houses included in the schedule to this Order which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until— Saving with
respect to
houses of
labouring
classes.

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or

A.D. 1895.

to the place of employment of such persons and to all the circumstances of the case and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme 5 under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions 10 prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with 15 the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any 20 scheme under this section or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the School Board acquire or appropriate any house or 25 houses for the purposes of this Act or of the Orders hereby confirmed in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such 30 house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such 35 penalty.

(6.) For the purpose of carrying out any scheme under this section the School Board may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public 40 Health Act 1875 shall be incorporated with this Act and shall apply

A.D. 1895.

to the purchase of lands beyond the metropolis by the School Board for the purposes of any scheme under this section in the same manner in all respects as if the School Board were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The School Board may subject to such approval as aforesaid on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid.

(8.) All lands on which any buildings have been erected or provided by the School Board in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment.

(9.) The Local Government Board may at any time dispense with all or any of the requirements of sub-section six subject to such conditions if any as they may see fit.

(10.) The School Board shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

3. For the purposes of section two of this Act the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Definition of
labouring
class.

4. This Act may be cited as the Education Department Provisional Order Confirmation (Croydon) Act 1895.

Short title.

A.D. 1895.

THE SCHOOL BOARD FOR CROYDON COUNTY OF
SURREY.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the borough of Croydon in the county of Surrey require to purchase certain pieces of land for the purposes of the 5 Elementary Education Acts 1870 to 1893 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the 10 schedule hereunder written:

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board 15 to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required: 20

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order: 25

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the pieces of land set forth in the Schedule hereunder written the powers of the said Acts for the purchase and taking of lands. 30 otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

SITE No. 1. PLAN No. 1.

That parcel of land situate on the south side of the roadway known as Dering Place in the borough of Croydon with the dwelling-houses outbuildings 35 and gardens thereon numbered and known as 7 8 9 10 11 12 17 18 Dering Place and Myrtle Cottage with laundry buildings and gardens thereto in

Dering Place and the two cottages Nos. 1 and 2 Park Place Dering Place in rear of the aforesaid dwelling-houses with the gardens and outbuildings belonging thereto and the additional sip of garden ground marked Park Place on the said plan the whole frontage to Dering Place being about 197 feet and
 5 containing in all an area of 2,746 square yards more or less The names of the owners or reputed owners and occupiers of the said piece or parcel of land and hereditaments are as follows—Thomas Gurney White Henry Spice Richard Ward Dominico A. Tonelli owners or reputed owners and Dominico A. Tonelli George Finch H. Graham A. J. Mullaby Henry Brown Mrs. Wellman Matthew
 10 Coleman Thomas Banstead Ernest Morgan Alfred Bridges occupiers.

A.D. 1895.

SITE NO. 2. PLAN NO. 2.

All that parcel of land situate on the south side of the road leading from Park Lane to Smith's Yard with the sheds standing thereon which land and sheds are at present in the occupation of Messrs. Packham & Co. mineral
 15 water manufacturers and which parcel of land has a frontage of 42 feet to the aforesaid road and is immediately in the rear of the office of the Croydon School Board in Katharine Street and contains an area of 189 square yards more or less Together with all buildings outbuildings or sheds thereon The names of the owner or reputed owner lessees and occupiers of the said piece or
 20 parcel of land and hereditaments are as follows—Miss Robinson owner or reputed owner Packham & Co. Limited lessees and occupiers.

SITE NO. 3. PLAN NO. 3.

That parcel of land situate in rear of the dwelling-houses on the south side of the roadway known as Cherry Orchard Road and numbered respectively 62 64
 25 66 68 70 72 74 76 78 80 82 and 84 with the gardens and outbuildings thereon having a length on its northern boundary of 148 feet or thereabouts and on the southern boundary a length of 135 feet or thereabouts and containing an area of 260 square yards or thereabouts Also that parcel of land now used as a private passage to the Board Schools from the Cherry Orchard Road and
 30 having a frontage thereto of five feet or thereabouts a length of 148 feet and an area of 90 yards or thereabouts and containing in all an area of 340 square yards more or less. Together with all and singular the messuages tenements outbuildings or sheds standing or being thereon with their appurtenances The names of the owners or reputed owners lessees and occupiers of the said piece
 35 or parcel of land and hereditaments are as follows—Mrs. Caroline Perry Mr. William Thomas Bance Miss Emma Bance Mrs. E. S. Brookes owners or reputed owners Page and Overton Limited lessees Isaac Foster Joseph Hall Frederick Strike Frederick Payne Mrs. Emma Harvey Mrs. Eliza Giles William Charles Albert Bance Edward Charles Baxter John Brooker Jonathan
 40 Burrows Mrs. Harvey Mrs. Ede occupiers.

Elementary Education
Provisional Order
Confirmation
(Croydon). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Acts 1870 to 1893 to enable the School Board for Croydon to put in force the Lands Clauses Acts.

(*Brought from the Lords 30 May 1895.*)

Ordered, by The House of Commons, to be Printed,
30 May 1895.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
30, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 109, Grafton Street, Dublin.
[*Price 1d.*]
[Bill 297.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Hornsey to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Hornsey and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

10 1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

15 2. The School Board for Hornsey shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than
25 domestic servants whose income does not exceed an average of
[Bill 264.]

A.D. 1895. thirty shillings a week and the families of any of such persons
— who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provi-
sional Order Confirmation (Hornsey) Act 1895.

THE SCHOOL BOARD FOR HORNSEY COUNTY OF
MIDDLESEX.

5

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the parish of Hornsey in the county of
Middlesex require to purchase certain pieces of land for the purposes of the
Elementary Education Act 1870 and not having been able to purchase the
same by agreement require to put in force the provisions of the Lands Clauses
Acts which apply to the purchase and taking of lands otherwise than by
agreement:

10

And whereas the lands so required to be purchased are set forth in the
schedule hereunder written:

15

And whereas the said Board have made due publication of the notices and
have duly served the same according to the requirements of the Elementary
Education Act 1870 and have presented a petition to the Education Depart-
ment praying that an Order may be made authorising the said School Board to
put in force the powers of the said Acts with respect to the purchase and taking
of lands otherwise than by agreement in which petition were stated all the
matters required by the said Elementary Education Act to be stated therein
and the same hath been supported by such evidence as the said Education
Department required:

20

And whereas the said Department having considered the said petition and
the proofs of the publication and service of the proper notices have thought fit
to proceed with the case and have caused inquiry to be made in the district of
the said Board wherein the said lands are situate as to the propriety of the
proposed Order:

25

Now therefore the said Department having received a report after such
inquiry and having duly considered the same do hereby declare that it is
proper and do hereby order accordingly that the said Board be authorised to
put in force with reference to the pieces of land set forth in the schedule
hereunder written the powers of the said Acts for the purchase and taking of
lands otherwise than by agreement or any of them.

35

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

The piece or pieces of land and hereditaments situate at Harringay in the parish of Hornsey in the county of Middlesex and bounded on the north or north-west by Pemberton Road on the south or south-east by Mattison Road
5 on the west or south-west by the New River and on the east or north-east by land belonging or reputed to belong to the British Land Company Limited and which pieces of land are shown on the Harringay Park Estate plan of the said British Land Company as plots Nos. 695 to 726 (both inclusive).

Also all appurtenances connected with the said lands and hereditaments.

Elementary Education
Provisional Order
Confirmation
(Hornsey). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Hornsey to put in force the Lands Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

*Ordered, by The House of Commons, to be Printed,
21 May 1895.*

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and 80, West Nile Street, Glasgow; or
HODGES, FRODIP & CO., LINTON, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 264.]

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Leeds to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made certain Provisional Orders under the authority of the Elementary Education Act 1870 on behalf of the School Board for Leeds and it is requisite that the same should be confirmed by 33 & 34 Vict.
c. 75.
5 Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

10 1. The following Orders as set out shall be and are hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Orders.

15 2. The School Board for Leeds shall not under the powers of this Act or of the said Orders purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be
20 subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others
25 except members of their own family and persons other than

[Bill 265.]

A

A.D. 1895. — domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provisional Orders Confirmation (Leeds) Act 1895. 5

THE SCHOOL BOARD FOR LEEDS COUNTY OF YORK.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber the 5th day of April 1895.

WHEREAS the School Board for the Borough of Leeds in the county of York require to purchase a piece of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement: 10

And whereas the land so required to be purchased is set forth in the schedule hereunder written: 15

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required: 20

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order: 25

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them. 30

Signed this 5th day of April 1895. 35

G. MILLER

One of the Assistant Secretaries of the
Education Department.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

PART I.

Particulars of the Land in Hunslet Hall Road Disraeli Street and Northcote Road Leeds.

- 5 A plot of land bounded north by Hunslet Hall Road and property belonging or reputed to belong to Mrs. Sarah Ransley south by land of the devisees of Mr. Edwin Oakes east by Disraeli Street and west by Northcote Road and the said property belonging or reputed to belong to the said Mrs. Sarah Ransley and containing an area of 3,500 square yards or thereabouts.

10

PART II.

Owners or reputed owners lessees or reputed lessees and occupiers.

Owners or reputed owners.—Sarah Ann Oakes and Thomas Neilson devisees in trust for sale under the will of the late Edwin Oakes.

Occupiers.—John Henry Hustwit Lionel Holdsworth Frank Heslop.

15 THE SCHOOL BOARD FOR LEEDS COUNTY OF YORK.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber the 5th day of April 1895.

- 20 WHEREAS the School Board for the Borough of Leeds in the county of York require to purchase a piece of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement.

And whereas the land so required to be purchased is set forth in the schedule hereunder written.

- 25 And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of
30 lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required.

- 35 And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order.

A.D. 1895.

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands 5 otherwise than by agreement or any of them.

Signed this 5th day of April 1895.

G. MILLER

One of the Assistant Secretaries of the
Education Department.

10

SCHEDULE TO THE FOREGOING ORDER.

PART I.

Particulars of the strip of land on or near Carlton Hill Leeds.

A strip of land 140 feet long or thereabouts and 36 feet wide situate on the west side of Carlton Hill and Blenheim Board School and extending from the south end of Archery Street to Blenheim Walk formerly called Shepherd Lane and bounded east and west by property belonging or reputed to belong to the Leeds School Board and containing an area of 560 square yards or thereabouts. 15

PART II.

Owners or reputed owners lessees or reputed lessees and occupiers.

20

Owners or reputed owners.—John Franks William Warren George Hutton Walter Arthur Hobson William Hargrave Mary Ann Whiley Emma Taylor George Burnell Nenian Elliott.

Occupiers.—Mary Ann Dickinson William Eshelby Goodyea Elizabeth Scott James Kitchen Walker John Wordsworth Hudson Ann England Mary Ann Whiley Edward Woodall Malet Elizabeth Walker Georgiana Broadbent James Manfield Annie Ursula Hunt Albert Horrox Emma Taylor George Burnell Thomas Swallow Arthur Charles Dickinson Joseph Carney Nenian Elliott Samuel Frederick Thomas Henry Naylor Mary Annie Raper Frank Schofield Elizabeth Lees Richard Fenwick Richard Percy Stocks John Henry Ward James Dixon Warren Louisa Stephenson and William Melbourne. 25 30

Elementary Education
Provisional Orders
Confirmation
(Leeds). [H.L.]

A

B I L L

INTRODUCED

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Leeds to put in force the Lands Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

Ordered, by The House of Commons, to be Printed,
21 May 1895.

PRINTED BY EVERT AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be printed, under the superintendence of the Controller of the
Print and Stationery, East Harding Street, Finsbury, E.C., at
and St. Andrew Street, Westminster, S.W.; or
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[*Price 1d.*]

[B 225]

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Liverpool to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Liverpool and it is requisite that the same should be confirmed by Parliament : 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Liverpool shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others
[Bill 266.]

A.D. 1895. — except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Education Department Provisional Order Confirmation (Liverpool) Act 1895.

THE SCHOOL BOARD FOR THE CITY OF LIVERPOOL COUNTY OF LANCASTER.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the City of Liverpool in the county of 10
Lancaster require to purchase a piece of land for the purposes of the
Elementary Education Acts 1870 to 1891 and not having been able to purchase
the same by agreement require to put in force the provisions of the Lands
Clauses Acts which apply to the purchase and taking of lands otherwise than
by agreement; 15

And whereas the land so required to be purchased is set forth in the
schedule hereunder written: 15

And whereas the said Board have made due publication of the notices and
have duly served the same according to the requirements of the Elementary
Education Act 1870 and have presented a petition to the Education Depart- 20
ment praying that an Order may be made authorising the said School Board
to put in force the powers of the said Acts with respect to the purchase and
taking of lands otherwise than by agreement in which petition were stated all
the matters required by the said Elementary Education Act to be stated
therein and the same hath been supported by such evidence as the said 25
Education Department required:

And whereas the said Department having considered the said petition and
the proofs of the publication and service of the proper notices have thought fit
to proceed with the case and have caused inquiry to be made in the district
of the said Board wherein the said land is situate as to the propriety of the 30
proposed Order:

Now therefore the said Department having received a report after such
inquiry and having duly considered the same do hereby declare that it is
proper and do hereby order accordingly that the said Board be authorised
to put in force with reference to the piece of land set forth in the schedule 35
hereunder written the powers of the said Acts for the purchase and taking
of lands otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

A piece of land with three messuages and premises thereon being Nos. 15 17
and 19 Cumberland Street situate on the north-east side of Cumberland
Street abutting north-west on house and premises No. 13 Cumberland Street
5 north-east on property belonging or reputed to belong to the Earl of Derby
fronting Sir Thomas Street and under contract to the Board and south-east on
house and premises No. 21 Cumberland Street Area about 257 square yards.

Elementary Education
Provisional Order
Confirmation
(Liverpool). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional
Order made by the Education
Department under the Elementary
Education Act 1870 to enable the
School Board for Liverpool to put in
force the Lands Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

Ordered, by The House of Commons, to be Printed,
21 May 1895.

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30, West Nile Street, Glasgow; or
HODGKIN, FISHER, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 266.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Llangollen to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Llangollen and it is requisite that the same should be confirmed by Parliament : 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

10 1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Llangollen shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

[Bill 294.]

A.D. 1895. domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provisional Order Confirmation (Llangollen) Act 1895.

5

THE SCHOOL BOARD FOR LLANGOLLEN COUNTY OF DENBIGH.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the parish of Llangollen in the county of Denbigh require to purchase a piece of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement.

And whereas the land so required to be purchased is set forth in the schedule hereunder written.

15

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required.

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order.

25

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the Schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

35

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

All that piece or parcel of land forming part of a field situate in the town and parish of Llangollen and having frontages to East Street and Princess Street and measuring in length along Princess Street 363 feet or thereabouts and
5 abutting on the north side on the River Dee containing an area of 3,850 square yards or thereabouts.

PROVISIONAL ORDER
Confirmation
(Llangollen). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order
made by the Education Department
under the Elementary Education Act
1870 to enable the School Board for
Llangollen to put in force the Lands
Clauses Acts.

(*Brought from the Lords 30 May 1895.*)

Ordered, by The House of Commons, to be Printed,
30 May 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 294.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Longbenton to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Longbenton and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Longbenton shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others
[Bill 295.]

A.D. 1895. except members of their own family and persons other than
— domestic servants whose income does not exceed an average of
thirty shillings a week and the families of any of such persons
who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provi- 5
sional Order Confirmation (Longbenton) Act 1895.

THE SCHOOL BOARD FOR LONGBENTON
COUNTY OF NORTHUMBERLAND.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the Parish of Longbenton in the county of 10
Northumberland require to purchase a piece of land for the purposes of the
Elementary Education Act 1870 and not having been able to purchase the same
by agreement require to put in force the provisions of the Lands Clauses Acts
which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the 15
schedule hereunder written :

And whereas the said Board have made due publication of the notices and
have duly served the same according to the requirements of the Elementary
Education Act 1870 and have presented a petition to the Education Depart-
ment praying that an Order may be made authorising the said School Board to 20
put in force the powers of the said Acts with respect to the purchase and taking
of lands otherwise than by agreement in which petition were stated all the
matters required by the said Elementary Education Act to be stated therein
and the same hath been supported by such evidence as the said Education
Department required : 25

And whereas the said Department having considered the said petition and
the proofs of the publication and service of the proper notices have thought fit
to proceed with the case and have caused enquiry to be made in the district of
the said Board wherein the said land is situate as to the propriety of the 30
proposed Order :

Now therefore the said Department having received a report after such
inquiry and having duly considered the same do hereby declare that it is proper
and do hereby order accordingly that the said Board be authorised to put in
force with reference to the piece of land set forth in the Schedule hereunder
written the powers of the said Acts for the purchase and taking of lands 35
otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

A piece of land situate at or near Camperdown in the parish of Longbenton in the county of Northumberland containing 2,605 square yards or thereabouts (forming part of a larger piece of land or field belonging or reputed to belong
5 to Charles Edmund Straker and now or late in the occupation of John Henderson and Henry Henderson) and bounded on the west by the public highway leading from Killingworth Railway Station to Camperdown on the north by an occupation road leading from the said highway to Hill Head Farm and on the east and south by other parts of the said larger piece of land or
10 field and having frontages to the said highway and occupation road of 181 feet and 122 feet respectively.

Elementary Education Provisional Order Confirmation (Longbenton). [H.L.]

A

B I L L

INTRODUCED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Longbenton to put in force the Lands Clauses Acts.

(Brought from the Lords 30 May 1895.)

*Ordered, by The House of Commons, to be Printed,
30 May 1895.*

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And to be purchased, either directly or through any Bookseller, from
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50, West Nile Street, Glasgow; or
HODGINS, Fingers, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 295.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Lowestoft to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Lowestoft and it is requisite that the same should be confirmed by Parliament : 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Lowestoft shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect
to houses of
labouring
classes.

20. For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than
[Bill 267.]

A.D. 1895. domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Education Department Provisional Order Confirmation (Lowestoft) Act 1895.

5

THE SCHOOL BOARD FOR LOWESTOFT COUNTY OF SUFFOLK.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the borough of Lowestoft in the county of Suffolk require to purchase two pieces of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the lands so required to be purchased are set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order :

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the pieces of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

All that piece of land situate on the east side of Morton Road Kirkley having a frontage thereto of 17 feet or thereabouts and a depth on the south side of 136 feet 6 inches or thereabouts and a depth on the north side of 5 142 feet or thereabouts and bounded on the south by land belonging or reputed to belong to Mr. Benjamin Mummery contracted by him to be sold to the said School Board and on the north by the piece of land next herein-after described.

And also all that piece of land situate on the east side of Morton Road Kirkley having a frontage thereto of 17 feet or thereabouts and a depth on the 10 south side of 142 feet or thereabouts and on the north side of 146 feet 6 inches or thereabouts and bounded on the south by the piece of land first herein-before described and on the north by land belonging or reputed to belong to Mr. John Wilson contracted by him to be sold to the said School Board.

The said two pieces of land proposed to be taken are now in the occupation 15 of Mrs. Long.

Provisional Order Confirmation (Lowestoft). [H.L.]

A

B I L L

INTITULÉD

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Lowestoft to put in force the Lands Clauses Acts.

(Brought from the Lords 21 May 1895.)

*Ordered, by The House of Commons, to be Printed,
21 May 1895.*

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90, West Nile Street, Glasgow; or
HODGINS, FIEGEL'S, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 267.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Manchester to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Manchester and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Manchester shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than
[Bill 268.]

A.D. 1895. — domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Education Department Provisional Order Confirmation (Manchester) Act 1895.

5

THE SCHOOL BOARD FOR THE CITY OF MANCHESTER COUNTY OF LANCASTER.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the city of Manchester in the county of Lancaster require to purchase a piece of land for the purposes of the 10 Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the 15 schedule hereunder written :

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School 20 Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required :

25

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

30

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking 35 of lands otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

- 5 A piece or parcel of land situate in the city of Manchester in the county of Lancaster in the township of Cheetham on the easterly side of Orford Street having a frontage of about one hundred and sixty-three feet to that street and a mean depth from that street of about one hundred and seventy-two feet and abutting north on premises belonging or reputed to belong to the School Board and east on the public baths and premises belonging or reputed to belong to the Manchester Corporation and containing two thousand seven hundred and thirty-two square yards or thereabouts as the same is described in the plan.
- 10 The names of the owners and occupiers of the said piece or parcel of land are as follows :—

No. on Plan.	Name.	Owner.	Lessee.	Occupier.
15	1 Sir William Henry Houldsworth Baronet M.P.	Owner	—	—
	2 The Manchester Brewery Company Limited.	Owner	—	—
	2 Frank Midwinter " "	—	—	Occupier

Elementary Education
Provisional Order
Confirmation
(Manchester). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order
made by the Education Department
under the Elementary Education Act
1870 to enable the School Board for
Manchester to put in force the Lands
Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

*Ordered, by The House of Commons, to be Printed,
21 May 1895.*

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JOHN MENZIES & CO. 19, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGKINS, FIGGINS & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 268.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Pwllheli to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Pwllheli and it is requisite that the same should be confirmed by Parliament : 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Pwllheli shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of

[Bill 269.]

A.D. 1895. thirty shillings a week and the families of any of such persons
— who may be residing with them.

Short title. 3. This Act may be cited as the Education Department
Provisional Order Confirmation (Pwllheli) Act 1895.

THE SCHOOL BOARD FOR PWLLHELI COUNTY OF 5 CARNARVON.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the borough of Pwllheli in the county of
Carnarvon require to purchase certain pieces of land for the purposes of the
Elementary Education Act 1870 and not having been able to purchase the 10
same by agreement require to put in force the provisions of the Lands Clauses
Acts which apply to the purchase and taking of lands otherwise than by
agreement:

And whereas the lands so required to be purchased are set forth in the
schedule hereunder written: 15

And whereas the said Board have made due publication of the notices and
have duly served the same according to the requirements of the Elementary
Education Act 1870 and have presented a petition to the Education Depart-
ment praying that an Order may be made authorising the said School Board
to put in force the powers of the said Acts with respect to the purchase and 20
taking of lands otherwise than by agreement in which petition were stated all
the matters required by the said Elementary Education Act to be stated
therein and the same hath been supported by such evidence as the said
Education Department required:

And whereas the said Department having considered the said petition and 25
the proofs of the publication and service of the proper notices have thought fit
to proceed with the case and have caused inquiry to be made in the district of
the said Board wherein the said lands are situate as to the propriety of the
proposed Order:

Now therefore the said Department having received a report after such 30
inquiry and having duly considered the same do hereby declare that it is
proper and do hereby order, accordingly that the said Board be authorised to
put in force with reference to the pieces of land set forth in the schedule
hereunder written the powers of the said Acts for the purchase and taking
of lands otherwise than by agreement or any of them. 35

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

All that piece or parcel of land situate in North Street and Troedyrallt in the parish of Denio in the county of Carnarvon bounded on the north-west side thereof by land belonging or reputed to belong to the School Board on the
5 south-west side thereof by Troedyrallt Road on the south-east side thereof by North Street and on the north-east side thereof by Plastanrallt House and grounds together with the messuages erected thereon and now in the respective occupations of Griffith Williams John Elias Ashton Mary Lloyd James Williams Ellen Jones Jane Jones Ellen Williams and Henry Jones and
10 containing in the whole 1,590 square yards or thereabouts Also all those two pieces of land part of Plastanrallt property adjoining the land lastly hereinbefore described and containing respectively 97 and 72 square yards and now in the occupation of Robert Jones esquire,

Elementary Education
Provisional Order
Confirmation
(Pwllheli). [H.L.]

A

B I L L

INTITULIED

An Act to confirm a Provisional Order
made by the Education Department
under the Elementary Education Act
1870 to enable the School Board for
Pwllheli to put in force the Lands
Clauses Acts.

(*Brought from the Lords 21 May 1895.*)

Ordered, by The House of Commons, to be Printed,
21 May 1895.

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[Bill 269.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Tottenham to put in force the Lands Clauses Acts.

A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Tottenham and it is requisite that the same should be confirmed by Parliament:

33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force.

Confirmation
of Order.

2. The School Board for Tottenham shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

[Bill 330.]

A.D. 1895. domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Education Department Provisional Order Confirmation (Tottenham) Act 1895.

5

THE SCHOOL BOARD FOR TOTTENHAM COUNTY OF MIDDLESEX.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the parish of Tottenham in the county of Middlesex require to purchase a piece of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement. 10

And whereas the land so required to be purchased is set forth in the schedule hereunder written. 15

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required. 20 25

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order. 30

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them. 35

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895.

A piece of land situate at Wood Green in the parish of Tottenham in the county of Middlesex at or near the rear of the Fishmongers' and Poulterers' Institution abutting south or south-west on Bounds Green Road west on the
5 Public Gardens and north in part on the said gardens and in part on Trinity Road and which piece of land contains on the east side 365 feet on the south or south-west side 288 feet on the west side 228 feet and on the north side 151 feet be such dimensions little more or less Area about 58,938 square feet.

The names of the owners or reputed owners and occupier of the said piece or
10 parcel of land and hereditaments are as follows:—

Thomas Blades Grove John Last Sayer William Henry Liversedge William Henry Weatherley owners or reputed owners and W. Knight occupier.

Elementary Education Provisional Order Confirmation (Tottenham). [H.L.]

A

B I L L

INTRODUCED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Tottenham to put in force the Lands Clauses Acts.

(Brought from the Lords 1 July 1895.)

*Ordered, by The House of Commons, to be Printed,
1 July 1895.*

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50, West Nile Street, Glasgow; or
HODDER, FRIGER, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 330.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Weston-super-Mare to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Weston-super-Mare and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Weston-super-Mare shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

[Bill 260.]

A.D. 1895. — domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Education Department Provisional Order Confirmation (Weston-super-Mare) Act 1895. 5

THE SCHOOL BOARD FOR WESTON-SUPER-MARE COUNTY OF SOMERSET.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber the 4th day of April 1895.

WHEREAS the School Board for the Parish of Weston-super-Mare in the county of Somerset require to purchase certain pieces of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement: 10

And whereas the lands so required to be purchased are set forth in the schedule hereunder written: 15

And whereas the said Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required: 20 25

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order: 30

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Board be authorised to put in force with reference to the pieces of land set forth in the schedule 35

hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them. A.D. 1895.

Signed this 4th day of April 1895.

F. C. HODGSON

One of the Assistant Secretaries of the
Education Department.

5

SCHEDULE TO THE FOREGOING ORDER.

10 A dwelling-house with outbuildings gardens and premises No. 1 on plan being No. 4 Linton Villas Walliscote Road and also the garden ground lying behind the same total area about 21,059 square feet.

 A dwelling-house with outbuildings gardens and premises No. 2 on plan being No. 3 Linton Villas aforesaid area about 5,355 square feet.

15 Two dwelling-houses with outbuildings gardens and premises Nos. 3 and 4 on plan being Nos. 1 and 2 Linton Villas aforesaid area about 14,537 square feet.

 An infant school-house cottage buildings playground and premises No. 5 on plan known as the Emmanuel Infant School Carlton Street area about 6,975 square feet.

20 Five cottages or dwelling-houses with yards gardens outbuildings and premises Nos. 6 7 7A 8 9 and 10 on plan situate in Carlton Street known as Gill's Cottages bounded on the east by the premises lastly before mentioned and on the north by Carlton Street Area about 6,375 square feet.

Elementary Education Provisional Order Confirmation (Weston- super-Mare). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Weston-super-Mare to put in force the Lands Clauses Acts.

(*Brought from the Lords 20 May 1895.*)

*Ordered, by The House of Commons, to be Printed,
20 May 1895.*

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30, West Nile Street, Glasgow; or
HODGES, Figgis, & Co, Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 260.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act 1870 to enable the School Board for Wilmington to put in force the Lands Clauses Acts. A.D. 1895.

WHEREAS the Education Department have made a Provisional Order under the authority of the Elementary Education Act 1870 on behalf of the School Board for Wilmington and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.
c. 75.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The following Order as set out shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. The School Board for Wilmington shall not under the powers of this Act or of the said Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with
respect to
houses of
labouring
classes.

20 For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings

[Bill 296.]

A.D. 1895. a week and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Education Department Provisional Order Confirmation (Wilmington) Act 1895.

THE SCHOOL BOARD FOR WILMINGTON COUNTY OF SUSSEX. 5

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the parish of Wilmington in the county of Sussex require to purchase a piece of land for the purposes of the Elementary Education Act 1870 and not having been able to purchase the same by agree- 10
ment require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the Schedule hereunder written:

And whereas the said Board have made due publication of the notices and 15
have duly served the same according to the requirements of the Elementary Education Act 1870 and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the 20
matters required by the said Elementary Education Act to be stated therein and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department having considered the said petition and the proofs of the publication and service of the proper notices have thought fit 25
to proceed with the case and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now therefore the said Department having received a report after such inquiry and having duly considered the same do hereby declare that it is proper 30
and do hereby order accordingly that the said Board be authorised to put in force with reference to the piece of land set forth in the Schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1895
— —

The piece of land and hereditaments situate in the parish of Wilmington in the county of Sussex and bounded on the south by the main road leading from Polegate to Lewes on the east by the Wilmington Green and on the north and
5 west by land belonging or reputed to belong to Major Attree and Miss Attree and now in the occupation of Thomas Levett also all appurtenances connected with the said lands and hereditaments and containing an area of 12,000 square feet or thereabouts.

Elementary Education
Provisional Order
Confirmation
(Wilmington). [H.L.]

A

B I L L

INTITULÉD

An Act to confirm a Provisional Order
made by the Education Department
under the Elementary Education Act
1870 to enable the School Board for
Wilmington to put in force the Lands
Clauses Acts.

(*Brought from the Lords 30 May 1895.*)

Ordered, by The House of Commons, to be Printed,
30 May 1895.

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80, West Nile Street, Glasgow; or
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[*Price 4d.*]

[Bill 296.]

Established Church (Wales) Bill.

ARRANGEMENT OF CLAUSES.

Disestablishment.

Clause.

1. Disestablishment and prohibition of future appointments.
2. Ecclesiastical corporations and bishops.

Transfer and Disposition of Property.

3. Transfer of property.
4. Apportionment by Ecclesiastical Commissioners and Queen Anne's Bounty.
5. Private benefactions.
6. Disposition of property by Welsh Commissioners.
7. Provision as to cathedrals and capitular endowments.
8. Disposition of moveable chattels.
9. Application of residue of property transferred.

Welsh Commissioners.

10. Appointment of Commissioners.
11. Powers and procedure of Commissioners.
12. Appeal to the Queen in Council.
13. Provisions as to schemes.

Supplemental Provisions as to Ecclesiastical Law and other Ecclesiastical matters in Wales.

14. Existing laws to subsist as contract.
15. Power to hold synods and constitute representative body.

Supplemental Provisions as to Vested Interests.

16. Provisions as to tithe rentcharge.
17. Power to exchange vested interest for compensation annuity.
18. Compensation to lay patrons.

Clause.

19. Compensation to lay holders of freehold offices.
20. Building charges and dilapidations.
21. Further provisions as to Ecclesiastical Commissioners and Queen Anne's Bounty.

Supplemental Provisions (General).

22. Provision as to trusts.
23. Powers of management and sale.
24. Power to settle differences and make adjustments.
25. Liability for repair of chancel, &c.
26. Provision as to redemption of tithe rentcharge.
27. Delivery up of and access to books and documents.
28. Stamp duty.
29. Borrowing powers.
30. Payments, accounts, and audit.
31. Provisions as to border parishes.
32. Vacancies between passing of Act and date of disestablishment.
33. Definitions.
34. Short title.

SCHEDULES.

A

B I L L

TO

Terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5

Disestablishment.

1. On the *first day of January one thousand eight hundred and ninety-seven* (in this Act referred to as the date of disestablishment), the Church of England, so far as it is established by law in Wales or Monmouthshire (in this Act referred to as the Church in Wales) shall cease to be so established, and save as by this Act provided, no person shall, after the *passing of this Act*, be appointed by Her Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in or connected with the Church in Wales.

Disestablishment and prohibition of future appointments.

15

2.—(1.) On the date of disestablishment every cathedral and ecclesiastical corporation in Wales or Monmouthshire, whether sole or aggregate, shall be dissolved.

Ecclesiastical corporations and bishops.

20

(2.) After the date of disestablishment no bishop of the Church in Wales shall be summoned to or be qualified to sit in the House of Lords as such. Provided that every person who is at the *passing of this Act* a bishop, dean, or archdeacon of the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed.

[Bill 144.]

A 2

A.D. 1895.

(3.) Writs of summons shall be issued to bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their seats.

Transfer and Disposition of Property.

Transfer of
property.

3. On the date of disestablishment there shall, save as by this Act provided, be transferred to the Welsh Commissioners herein-after mentioned :—

- (a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty which is ascertained as herein-after mentioned to be Welsh ecclesiastical property ; and 10
- (b) all property not so vested which, at the *passing of this Act*, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in or connected with the church in Wales or the holder of any such office ;

subject, in the case of all such property, to all charges and incumbrances affecting the property, and, in the case of all such property, except tithe rentcharge, to the existing interests of all persons who at the *passing of this Act* hold such offices as aforesaid, and in the case of tithe rentcharge, to the obligation to make such provision as is herein-after mentioned in lieu of their existing interests. 20

Apportion-
ment by
Ecclesias-
tical Com-
missioners
and Queen
Anne's
Bounty.

4.—(1.) The Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall forthwith after the *passing of this Act* ascertain and by order declare what property vested in them respectively at the *passing of this Act* or under the provisions herein-after contained consists of, or issues out of, or is the produce of, or is or has been derived from, property situate in Wales or Monmouthshire, in whatever manner the same is applied whether in England or in Wales, and that property shall be the Welsh ecclesiastical property for the purposes of this Act. 25

(2.) They shall also, by order made before the date of disestablishment, allocate the charges on any fund held by them respectively in such manner that the charges for purposes of the Church in Wales, and in particular for bishops, archdeacons, and cathedral corporations of the Church in Wales, shall be borne by the Welsh ecclesiastical property, so far as it is able to bear them, and that that property shall be exonerated from, and the fund wholly charged with, such of the charges as are not allocated on the Welsh ecclesiastical property. 30 35

(3.) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners, or, in default of such concurrence 40

with the approval of Her Majesty the Queen in Council given A.D. 1895.
on the advice of the Judicial Committee of the Privy Council.

5 5.—(1.) Any property transferred by this Act to the Welsh Commissioners which consists of, or is the produce of, or is or has been derived from, property given by any private person out of his own resources since the year *one thousand seven hundred and three*, and does not come within the description of a church or ecclesiastical residence for which provision is otherwise made by this Act, shall, for the purposes of this Act, be deemed to be a
10 private benefaction.

(2.) The Welsh Commissioners shall ascertain and by order declare what part of the property transferred to them by this Act constitutes private benefactions within the meaning of this Act, and shall on the request of the representative body herein-after
15 mentioned, vest the same in that body, subject to the charges and incumbrances and interests saved by this Act.

6.—(1.) Subject to the charges and incumbrances and interests saved by this Act, the Welsh Commissioners shall, save as otherwise provided by this Act, by order vest the property transferred
20 to them by this Act, as follows:—

(a.) they shall, on the request of the representative body, vest in that body all churches, not being cathedral churches, and all parsonage houses;

(b.) they shall vest the burial ground and glebe of any ecclesiastical parish—
25

(i.) in the case of a rural parish, in the parish council of the parish, or, if there is no parish council, in the chairman and overseers of the parish; and

(ii.) in any other case, in the council of any county borough or urban district comprising the parish;
30

Provided that where the ecclesiastical parish comprises parts of more than one parish for civil purposes the property shall be vested, as the Welsh Commissioners may direct, in some one or more of the said councils or bodies, or in trustees on behalf of those councils and bodies jointly;
35

(c.) they shall vest any tithe rentcharge in the county council of the county in which the land out of which the tithe rentcharge issues is situate.

(2.) Every church, parsonage house, burial ground, and glebe
40 vested under this section shall be held subject to all existing public and private rights with respect thereto.

7.—(1.) The Welsh Commissioners shall out of moneys in their hands in pursuance of this Act maintain and keep in proper repair and condition all cathedral churches transferred to them by this
Provision as to cathedrals and capitular endowments.

A.D. 1895. — Act, and all such churches shall continue to be subject to all existing public and private rights with respect thereto, and shall, if and as long as the representative body so request, continue to be used for the same purposes as heretofore.

(2.) The Welsh Commissioners shall on request by the representative body allow any ecclesiastical residence transferred to the Commissioners by this Act, and not being a parsonage house, to be used in connexion with the Church in Wales for the purpose of an ecclesiastical residence, subject to the condition that it be maintained and kept in proper repair and condition by the representative body. 5 10

Disposition
of moveable
chattels.

8.—(1.) All plate, furniture, and other moveable chattels belonging to any church affected by this Act, or used in connexion with the celebration of Divine worship therein, shall vest in the representative body if and when incorporated. 15

(2.) The Welsh Commissioners shall, on the request of the representative body, vest in that body, subject to the interests saved by this Act, any moveable chattels held and enjoyed by the incumbent for the time being of any office, together with or as incident to the occupation of any ecclesiastical residence affected by this Act. 20

Application
of residue of
property
transferred.

9.—(1.) Subject to the provisions of this Act, the Welsh Commissioners shall apply or provide for the application of the property transferred to them by this Act as follows:—

- (a) where the property is attached to a parochial benefice they shall provide for its application to some one or more of the purposes mentioned in the First Schedule to this Act in accordance with a scheme to be made with their approval by the county council of the county in which the parish is situate; 25
- (b) they shall apply or provide for the application of all other property in the first instance towards payment of the expenses of carrying this Act into execution, and, subject thereto, to some one or more of the purposes mentioned in the said schedule in accordance with schemes to be made by them, so, however, that not less than *two-thirds* of such other property shall be applied towards the promotion of technical and higher education, including the establishment and maintenance of a library, museum, or academy of art for Wales; and for that purpose any part of the property may be vested in or appropriated to the use of the University of Wales or any joint committee of county councils in Wales and Monmouthshire. 30 35 40

(2.) In the application of property under this Act, due regard shall be had to the wants and circumstances of the parish in which

the property is situate or from which it is or has been derived and generally to the circumstances of each particular case.

A.D. 1895.

Welsh Commissioners.

10.—(1.) The following persons, that is to say,

Appointment
of Commis-
sioners.

5 shall be Commissioners under this Act during Her Majesty's pleasure. If any vacancy among them occurs by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under Her sign manual, appoint some fit person to fill the vacancy.

(2.) The said Commissioners (in this Act referred to as the
10 Welsh Commissioners) shall be a body corporate, styled "The
" Commissioners of Church Temporalities in Wales," with a
common seal, and power to hold land for the purposes of this Act
without licence in mortmain.

(3.) The Welsh Commissioners may act by any one of their
15 body, but if any person aggrieved by an order of one Commissioner
so requires the order shall be reconsidered on rehearing by the
three Commissioners.

(4.) There shall be paid to the chairman of the Welsh Com-
missioners such salary, not exceeding *fifteen hundred pounds* a
20 year, and to one other of the Commissioners such salary, not
exceeding *one thousand pounds* a year, as the Treasury may direct.

(5.) The Welsh Commissioners may, with the consent of a
Secretary of State, and the consent of the Treasury as to number
and remuneration, appoint or employ and remove a secretary, and
25 such other officers and persons, and with such remuneration, as
appears necessary for enabling the Commissioners to carry this
Act into effect.

(6.) The said salaries and remuneration and all incidental
expenses sanctioned by the Treasury of carrying this Act into
30 effect shall be paid by the Commissioners out of moneys in their
hands in pursuance of this Act.

(7.) The salaries of the Commissioners and the remuneration and
number of their officers shall be subject to reconsideration and
revision at the expiration of *five years* from the passing of this Act,
35 and of such subsequent intervals as the Treasury may direct, and

A.D. 1895.

the Commissioners and the persons appointed or employed by them shall not have any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

(8.) A paid Commissioner or a person appointed or employed by the Commissioners shall not during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

Powers and
procedure of
Commis-
sioners.

11.—(1.) Subject to such appeal as is herein-after mentioned, the Welsh Commissioners shall have full power to decide all questions, whether of law or of fact, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(2.) The Welsh Commissioners with respect to—

(a.) enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of deeds, books, papers, and documents ;

(b.) issuing any commission for the examination of witnesses ;

(c.) punishing persons refusing to give evidence, or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court ; and

(d.) making or enforcing any order made by them for carrying into effect this Act,

shall have all such powers, rights, and privileges as are vested in the High Court for such or the like purposes, and all proceedings before the Commissioners shall in law be judicial proceedings before a court of record.

(3.) The Welsh Commissioners may review and rescind or vary any order or decision previously made by them or any of them ; but save as aforesaid, and as by this Act provided, every order or decision of the Welsh Commissioners shall be final.

(4.) They shall make general rules for regulating the procedure under this Act, and generally for securing the due execution of their powers, and giving effect to this Act. All such general rules shall be submitted to Her Majesty the Queen in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament, and shall have effect as if enacted by this Act.

(5.) They shall in each year make a report to a Secretary of State of their proceedings under this Act, and this report shall be laid before Parliament.

12. An appeal shall lie to Her Majesty the Queen in Council against any decision of the Welsh Commissioners with respect to any question as to what constitutes a private benefaction, or as to what sum should be paid under this Act to any person, and any
 5 such appeal shall be referred to the Judicial Committee of the Privy Council.

A.D. 1895.
 Appeal to
 the Queen
 in Council.

13.—(1.) The power to make any scheme under this Act shall include power to amend or supplement any such scheme.

Provisions as
 to schemes.

(2.) Every scheme made under this Act shall be submitted to
 10 Her Majesty the Queen in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament and shall have effect as if enacted by this Act.

*Supplemental Provisions as to Ecclesiastical Law and other
 Ecclesiastical matters in Wales.*

15

14.—(1.) As from the date of disestablishment, the present ecclesiastical law in Wales and Monmouthshire shall cease to exist as law, but that law and the present articles, doctrines, rites, rules, discipline, and ordinances of the Church in Wales (including
 20 the present jurisdiction and authority of the Archbishop of Canterbury and the courts of the archbishop), shall, with and subject to such modification or alteration, if any, as after the passing of this Act may be duly made therein, according to the constitution and regulations for the time being of the
 25 Church in Wales, be binding on the members for the time being of that Church in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members
 30 thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound.

Existing
 laws to sub-
 sist as con-
 tract.

(2.) Provided that—

(a.) No ecclesiastical court or person shall have any coercive
 35 jurisdiction, and any right of appeal to the Queen in Council from any such court or person shall cease; and
 (b.) The said constitution and regulations shall not be binding on or enforceable against the Archbishop of Canterbury without

A.D. 1895.

his consent, and the Archbishop, with the approval of Her Majesty in Council, may give that consent; and

(c.) No alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales, shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within *one month* after the making of the alteration, signifies in writing to the representative body his dissent therefrom.

(3.) On the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

Power to hold synods and constitute representative body.

15.—(1.) Nothing in any Act, law, or custom shall prevent the bishops, clergy, and laity of the Church in Wales from holding synods or electing representatives thereto, or from framing, either by themselves or by their representatives, elected in such manner as they think fit, constitutions and regulations for the general management and good government of the Church in Wales and the property and affairs thereof, whether as a whole or according to dioceses, and the future representation of members thereof in a general synod or in diocesan synods, or otherwise.

(2.) If at any time it is shown to the satisfaction of Her Majesty the Queen that the said bishops, clergy, and laity have appointed any persons so to represent them, and hold property for any of their uses and purposes, Her Majesty may by charter incorporate such persons (in this Act referred to as the representative body), with power to hold land without licence in mortmain.

Supplemental Provisions as to Vested Interests. 30

Provisions as to tithe rent-charge.

16.—(1.) Every county council in whom any tithe rentcharge is vested in pursuance of this Act shall pay to the Welsh Commissioners the annual amount, according to the septennial average, of the said tithe rentcharge (after deducting the sum allowed by the Commissioners for cost of collection, rates, and other outgoings other than income tax), or such less amount as may be required by the Welsh Commissioners for the payments to be made by them in pursuance of this Act, and the amount which any such county council are so liable to pay shall be a debt from the council to the Welsh Commissioners, and a charge on the county fund of the county.

(2.) The Welsh Commissioners shall pay to each person who, at the *passing of this Act* has any existing interest in any such tithe rentcharge, in substitution for and in satisfaction of that interest, and as part of the emoluments of his office, the amount payable to them by any county council in respect of the tithe rentcharge.

A.D. 1895.

17. Any person who at the *passing of this Act* holds an ecclesiastical office affected by this Act may, if he thinks fit, with the consent of the representative body, arrange with the Welsh Commissioners to exchange his existing interest in the emoluments of his office arising from the property transferred to the Welsh Commissioners by this Act for a life compensation annuity calculated in accordance with the Second Schedule to this Act, and thereupon shall vacate his office, but the emoluments aforesaid shall during his life vest in the Welsh Commissioners, and they may apply any part thereof not required for the compensation annuity as if he were dead.

Power to exchange vested interest for compensation annuity.

18. The Welsh Commissioners, if application is made to them within *six months* after the passing of this Act by or on behalf of any person who is at that date entitled to any right of patronage of any benefice affected by this Act, shall, on the occurrence of any vacancy in that benefice after that date, pay in compensation for the extinction of that right an amount not exceeding *one year's* emoluments of the benefice taken on an average of the *three years* immediately before that date, with interest at the rate of *three per cent.* per annum from that date.

Compensation to lay patrons.

Provided as follows :—

(1.) Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or persons acting in a public capacity, be entitled to any payment under this section for or in respect of any right of patronage; and

(2.) Where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the *passing of this Act* any such right of patronage, he shall be entitled to payment therefor in the same manner as if it were then actually vested in him; and

(3.) A trustee or other person occupying a fiduciary position shall not be bound to make an application under this section.

19. If the Welsh Commissioners find that any person who at the *passing of this Act* holds any lay office in or in connexion with the

Compensation to lay holders of freehold offices.

A.D. 1895.

church in Wales by freehold tenure or by any tenure which, in the opinion of the Commissioners, is equal to freehold tenure, will be deprived of any emoluments by the operation of this Act, they may pay to that person out of moneys in their hands in pursuance of this Act, such sum by way of compensation, either by a single payment or by a life annuity, as they may, with the consent of the Treasury, determine.

Building
charges and
dilapidations.

20.—(1.) Where a parsonage house is together with other endowments of a benefice subject to a building charge, the occupier of the parsonage house shall, as between himself and the occupiers or persons in possession of the other portions of the endowments, be primarily liable to payment of the charge.

(2.) Any money payable on the first vacancy after the *passing of this Act* in an ecclesiastical office affected by this Act in respect of dilapidations in any building shall be paid to the person or body in whom on such vacancy the building is vested.

Further pro-
visions as to
Ecclesiastical Com-
missioners
and Queen
Anne's
Bounty.

21.—(1.) The Ecclesiastical Commissioners shall, as soon as may be after the *passing of this Act* and before the date of disestablishment, ascertain and by order declare what property not being vested in them at the *passing of this Act* consists of, or issues out of, or is the produce of, or is or has been derived from, property situate in Wales or Monmouthshire, and is at the *passing of this Act* applied or applicable to any ecclesiastical purpose in England, but not in Wales or Monmouthshire, and all such property shall as from the date of the order vest in the Ecclesiastical Commissioners, subject to the existing interests therein, and to all charges and incumbrances affecting the property, and the Ecclesiastical Commissioners shall charge their common fund with payments ascertained by them to be equal to the net proceeds of the property so vested. Any order of the Ecclesiastical Commissioners under this provision shall be subject to the like concurrence or approval as an order for allocation of the charges on their common fund.

(2.) An order of the Ecclesiastical Commissioners or Queen Anne's Bounty making any allocation under this Act may make any such adjustments, whether of income or of liabilities, as are incidental to the allocation.

(3.) As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease. Provided that they shall continue to make such payments as appear to them required for preserving

the interests of persons interested in such payments at the *passing of this Act*. A.D. 1895.

(4.) As from the date of disestablishment first fruits in respect of any subsequent appointment to any ecclesiastical office in or
5 connected with the Church in Wales, and tenths in respect of any such office, shall cease to be payable to Queen Anne's Bounty, and any tenths payable by any person who is at that date the holder of any such office shall, during the continuance of his office, be paid to the Welsh Commissioners or as they may direct.

10

Supplemental Provisions (General).

22. Where any ecclesiastical or cathedral corporation dissolved by this Act holds any property in trust for any charitable purpose, the property shall on the dissolution of the corporation vest in the Welsh Commissioners, and the Commissioners shall,
15 on the request of the representative body, vest the property in that body or in persons appointed by them, subject to the trusts affecting the same, and under the same supervision, local, or otherwise, as heretofore, or as near thereto as the circumstances of the case will admit.

20

23. The Welsh Commissioners and any local authority shall, with respect to any property vested in them by or under this Act, have power to manage the property and, as incidental thereto, power to sell or exchange any part thereof; but any such power of sale or exchange shall not be exercised without the consent of the

25 Local Government Board.

24. The Welsh Commissioners shall have power to decide any question arising under this Act between different local authorities, and to make any adjustment of rights or liabilities incidental to the distribution of property under this Act among such local
30 authorities.

25. A county council shall not, by reason of being entitled to or receiving any tithe rentcharge under this Act, be liable for the repair of any ecclesiastical building.

26. Where under any of the enactments relating to the redemption of tithe rentcharge an order is made by the Board of Agriculture for the redemption of any tithe rentcharge which is by this Act transferred to the Welsh Commissioners, the redemption money shall be paid to the Welsh Commissioners, and the income thereof shall be applicable in like manner as the tithe rentcharge
40 which it represents.

A.D. 1895.

Delivery up
of and access
to books
and docu-
ments.

27.—(1.) The respective registrars of the diocesan or other registries, or other the officers having the possession or custody of any books or documents relating to any of the property transferred to the Welsh Commissioners by this Act, and not in the possession or under the control of the Ecclesiastical Commissioners 5 or of Queen Anne's Bounty, shall, within *three months* next after the date of disestablishment, deliver the same to the Welsh Commissioners, who shall thereupon give them receipts therefor.

(2.) The Welsh Commissioners shall preserve the said books and documents, and shall permit reasonable access to the same, and 10 shall hand over to the representative body such of them, if any, as relate exclusively to property to which that body become entitled, and certified copies of such of them as relate to that property jointly with other property.

(3.) The Ecclesiastical Commissioners and Queen Anne's Bounty 15 respectively shall deliver to the Welsh Commissioners any books or documents relating exclusively to the property transferred to the Welsh Commissioners by this Act, and shall permit the Welsh Commissioners and any local authority in whom any such property is vested in pursuance of this Act to have reasonable access to, and to 20 take copies of or extracts from, any books or documents retained by the Ecclesiastical Commissioners or Queen Anne's Bounty, and relating to any property vested in the Welsh Commissioners or in any such local authority.

(4.) The Welsh Commissioners may hand over to any local 25 authority any books or documents which are received by the Commissioners under this section, and which either relate to any property vested in or placed under the control of that authority or which otherwise ought, in the opinion of the Welsh Commissioners, to be placed under the control of that authority, and shall lodge in 30 the Public Record Office in London such of those books and documents as are not handed over to the representative body, or to any local authority, and as may not be required by the Commissioners for the execution of their duties under this Act.

(5.) Nothing in this section shall affect section seventeen of the 35 Local Government Act, 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture.

Stamp duty.

28. Every order of the Welsh Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating 40 to stamps, and shall be chargeable with stamp duty accordingly.

29.—(1.) The Welsh Commissioners may, with the consent of the Treasury, borrow such sums of money as they may think expedient for carrying into effect any provision of this Act, and may give as security for the repayment of any sums so borrowed and the interest thereon, the whole or any part of the property transferred to them by this Act.

A.D. 1895.
Borrowing
powers.

(2.) The National Debt Commissioners, if they think fit, with the approval of the Treasury, may, out of any money in their hands under the Acts relating to savings banks, advance to the Welsh Commissioners, with such guarantee as is by this Act authorised (but not otherwise), any money which by this Act the Welsh Commissioners are authorised to borrow.

(3.) *The Treasury may, if they think fit, guarantee the payment of the principal and interest of all or any part of any money borrowed by the Welsh Commissioners.*

(4.) Any security given by the Welsh Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Treasury approve, and there shall be certified thereon, in such form and manner as the Treasury direct, any guarantee given by the Treasury.

(5.) *For giving effect to the guarantee aforesaid, the Treasury, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any money borrowed by the Welsh Commissioners in pursuance of this Act, may cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the said principal and interest, or of any part thereof respectively.*

(6.) If any money is at any time issued out of the Consolidated Fund in pursuance of the guarantee aforesaid, the Treasury shall cause the same to be repaid to the Consolidated Fund out of the funds in the hands of the Welsh Commissioners.

30.—(1.) All money payable to the Welsh Commissioners under or by reason of this Act shall be paid into such bank and be invested in such manner as the Treasury direct.

Payments,
accounts,
and audit.

(2.) At the end of every financial year accounts of the receipts and expenditure of the Welsh Commissioners, both of capital and of income, shall be made up in such form and with such particulars as the Treasury may direct, and shall be audited by the Controller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereupon.

A.D. 1895.

(3.) The expense of such audit shall be part of the expenses of carrying this Act into execution, and be defrayed by the Welsh Commissioners accordingly.

Provisions as
to border
parishes.

31.—(1.) The Welsh Commissioners shall, with respect to any ecclesiastical parish part only whereof is situate in Wales or 5 Monmouthshire, determine by order with reference to the population of that part, and the situation of the parish church, and the other circumstances of the case, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be 10 treated accordingly, but any parishioner of the parish may appeal against any such order to Her Majesty the Queen in Council, and any such appeal shall be referred to the Judicial Committee of the Privy Council.

(2.) The Ecclesiastical Commissioners shall attach to an English 15 diocese any ecclesiastical parish which at the *passing of this Act* is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any ecclesiastical parish which under this section is to be treated as being wholly without Wales or Monmouthshire, and may make any provisions necessary or incidental to such attachment. 20

(3.) Any ecclesiastical parish which is at the *passing of this Act* situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, shall, as from the date of disestablishment cease to be part of an English diocese, but, save as by this section provided, nothing in this Act shall affect any English 25 diocese.

Vacancies
between
passing of
Act and date
of disesta-
blishment.

32. If any vacancy occurs in any ecclesiastical office in or connected with the Church in Wales, between the *passing of this Act* and the date of disestablishment—

(1.) Her Majesty the Queen may in the case of a vacant 30 bishopric, on the petition of the Archbishop of Canterbury, or of any three Welsh bishops, fill the vacancy; but any bishop so appointed shall not be summoned to or be qualified to sit in the House of Lords, and shall be subject to the provisions herein-after mentioned: 35

(2.) Any other vacancy may be filled by the same person as if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned:

(3.) A person appointed to any office in pursuance of this section shall not be liable to pay any first fruits in respect of appoint- 40 ment to the office, or any tenths in respect of the office, but his interest shall not be an existing interest within the meaning of this Act.

33. In this Act, unless the context otherwise requires, —

A.D. 1895.

The expression “ecclesiastical office” means any bishopric, ecclesiastical dignity, or preferment within the meaning of the Church Discipline Act, 1840, and includes any lay office in connexion therewith :

Definitions.

3 & 4 Vict.
c. 86.

The expression “ecclesiastical person” means a bishop and the holder of any ecclesiastical office who is in holy orders :

The expression “right of patronage” includes any advowson, right of presentation, or right of nomination to an ecclesiastical office :

The expression “synod” includes any assembly or convention :

The expression “property” includes all property, real and personal, including things in action and rights of action ; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office, or for any cathedral or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation ; and the burial ground of any ecclesiastical parish shall be deemed, for the purposes of this Act, to belong to an ecclesiastical office connected with the Church in Wales.

The expression “house” includes any curtilage or garden appurtenant to the house :

The expression “ecclesiastical residence” means any parsonage house and any house of residence of any bishop or member of a cathedral corporation :

The expression “cathedral corporation” means any dean and chapter, and also any corporation of minor canons, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Wales :

The expression “county” includes a county borough, and the expression “county council” includes the council of a county borough :

The expression “existing” means existing at the passing of this Act.

34. This Act may be cited as the Welsh Church Act, 1895.

Short title.

A.D. 1895.

SCHEDULES.

FIRST SCHEDULE.

The erection or support of cottage or other hospitals, or dispensaries, or convalescent homes.

The provision of trained nurses for the sick poor.

5

The foundation and maintenance of public parish or district halls, institutes, and libraries.

The provision of labourers' dwellings to be let at reasonable rents, and allotments.

Technical and higher education, including the establishment and maintenance of a library, museum, or academy of art for Wales.

10

Any other public purpose of local or general utility for which provision is not made by Statute out of public rates.

SECOND SCHEDULE.

Rules as to Compensation Annuity.

15

Where the compensated holder is at the time of application of the age of *fifty years* or upwards the compensation annuity shall not exceed *three-fourths* of the average net emoluments of his office arising from property transferred to the Welsh Commissioners by this Act during the *seven years* immediately preceding the application.

20

Where the compensated holder is less than fifty years of age a deduction of *one-fiftieth* shall be made from the said three-fourths for every year that is wanting to make up his age to fifty years.

BILL

To terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof.

*(Prepared and brought in by
Mr. Secretary Asquith,
Mr. Chancellor of the Exchequer, Mr. Bryce,
and Mr. Solicitor General.)*

*Ordered, by The House of Commons, to be Printed,
28 February 1895.*

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[*Price 2½d.*]

[Bill 144.]

A

B I L L

INTITULED

An Act to amend the Law of Evidence.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness whether the person so charged is charged solely or jointly with any other person. Provided as follows:—
- 10 (a.) A person so charged shall not be called as a witness in pursuance of this Act without his consent;
- (b.) The wife or husband of the person charged shall not, save as in this Act mentioned, be called as a witness in pursuance of this Act without the consent of the person so charged;
- 15 (c.) A person charged and being a witness in pursuance of this Act shall not have the right to refuse to answer any question on the ground that it would tend to criminate him as to the offence charged;
- 20 (d.) A person called as a witness in pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that any person charged has committed or been convicted of any offence other than that wherewith he is then charged, or is of bad character, unless—
- 25 (i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or
- (ii) the person charged has asked questions of the witnesses for the prosecution with a view to establish his good character, or called witnesses to his good character, or
- 30 otherwise has given evidence of good character.

[Bill 236.]

Person
charged
with offence,
and wife or
husband,
a competent
witness.

A.D. 1895.

Calling of
wife or
husband in
certain cases.

2.—(1.) The wife or husband of a person charged with an offence under any enactment mentioned in the First Schedule to this Act may be called as a witness without the consent of the person charged.

(2.) Nothing in this Act shall affect a case where the wife or husband of a person charged with an offence may at common law be called as a witness without the consent of such person.

Application
of Act to
Scotland.

3. In Scotland, in a case where a list of witnesses is required, the husband or wife of a person charged shall not be called as a witness in pursuance of this Act, unless the name of such husband or wife, as the case may be, appears in the list of witnesses for either the prosecution or the defence.

Extent of
Act.

4. This Act shall not extend to Ireland.

Repeal.

5. The enactments specified in the Second Schedule to this Act are hereby repealed, so far as respects Great Britain, to the extent 15 in the third column of that schedule mentioned.

Commence-
ment of Act.

6. This Act shall come into operation on the expiration of two months from the passing thereof.

Short title.

7. This Act may be cited as the Criminal Evidence Act, 1895.

SCHEDULES.

20

FIRST SCHEDULE.

ENACTMENTS REFERRED TO.

Session and Chapter.	Short Title.	Enactments referred to.	
5 Geo. 4. c. 83.	The Vagrancy Act, 1824	The enactment punishing a man for neglecting to maintain or deserting his wife.	25
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Section eighty.	
24 & 25 Vict. c. 100.	The Offences against the Person Act, 1861.	Sections forty-eight to fifty-five.	30
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	The whole Act.	

SECOND SCHEDULE.

A.D. 1895.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 35 & 36 Vict. c. 77. -	Metalliferous Mines Regulation Act, 1872.	In section thirty-four, from "The "owner" to "another person" (being sub-section 4).
35 & 36 Vict. c. 94. -	Licensing Act, 1872 -	In section fifty-one, from "and in "all cases" to "give evidence."
10 38 & 39 Vict. c. 63. -	Sale of Food and Drugs Act, 1875.	In section twenty-one, from "and "the defendant" to the end of the section.
38 & 39 Vict. c. 86. -	Conspiracy and Protection of Property Act, 1875.	Section eleven.
15 39 & 40 Vict. c. 80. -	Merchant Shipping Act, 1876.	In section four, the words (twice occurring) "and for the purpose "of giving such proof he may "give evidence in the same "manner as any other witness."
20 41 & 42 Vict. c. 12. -	An Act for the Prevention of Accidents by Threshing Machines.	Section three.
25 41 & 42 Vict. c. 74. -	Contagious Diseases (Animals) Act, 1878.	In section sixty-six, from "A "person charged" to "any "other witness" (being sub-section six).
30 44 & 45 Vict. c. 58. -	Army Act - -	In section one hundred and fifty-six, from "A person charged" to "in the case" (being sub-section three).
46 & 47 Vict. c. 3. -	Explosive Substances Act, 1883.	In section four, from "In any "proceeding" to the end of the section.
35 46 & 47 Vict. c. 51. -	Corrupt and Illegal Practices Prevention Act, 1883.	In section fifty-three, from "on "any prosecution under this "Act" to "witness in the "case."
48 & 49 Vict. c. 69. -	Criminal Law Amendment Act, 1885.	Section twenty.
40 50 & 51 Vict. c. 28. -	Merchandise Marks Act, 1887.	Section ten, from "A defendant" to "any other witness" (being sub-section one).

A.D. 1895.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
50 & 51 Vict. c. 58. -	Coal Mines Regulation Act, 1887.	Section sixty-two, from "Any person" to "the case" (being sub-section (ii.)).
51 & 52 Vict. c. 64. -	Law of Libel Amendment Act, 1888.	Section nine.
52 & 53 Vict. c. 44. -	The Prevention of Cruelty to, and Protection of, Children Act, 1889.	Section seven, down to "compellable and".
54 & 55 Vict. c. 76. -	The Public Health (London) Act, 1891.	Section one hundred and eighteen.

A

BILL

INTRODUCED

An Act to amend the Law of Evidence.

(Brought from the Lords 8 April 1895.)

Ordered, by The House of Commons, to be Printed,
10 May 1895.

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[Price 4d.]

[Bill 236.]

A

B I L L

TO

Continue various Expiring Laws.

A.D. 1895.

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and ninety-five :

5 And whereas the Act mentioned in Part II. of the Schedule to this Act, to the extent aforesaid, limited to expire on the thirty-first day of March one thousand eight hundred and ninety-six :

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending
10 or affecting the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 15 1.—(1.) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the *thirty-first day of December one thousand eight hundred and ninety-six*, and shall then expire, unless further continued. Continuance
of Acts in
Schedule.
- 20 (2.) The Act mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the *thirty-first day of March one thousand eight hundred and ninety-seven*, and shall then expire, unless further continued.
- 25 (3.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

[Bill 5.]

A

A.D. 1895.

2. This Act may be cited as the Expiring Laws Continuance Act, 1895, Session 2.

Short title.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.	5
(1.) 5 & 6 Will. 4. c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	10
(2.) 3 & 4 Vict. c. 89.	An Act to exempt, until the thirty-first day of Decem- ber one thousand eight hundred and forty-one, inhabitants of parishes, townships, and villages from liability to be rated as such, in respect of stock in trade or other property, to the relief of the poor.	The whole Act.	---	15
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 53 Vict. c. 30.	25
(4.) 10 & 11 Vict. c. 98.	An Act to amend the law as to Ecclesiastical Jurisdiction in England.	As to the provi- sions continued by 21 & 22 Vict. c. 50.	---	30
(5.) 11 & 12 Vict. c. 32.	The County Cess (Ire- land) Act, 1848.	The whole Act	20 & 21 Vict. c. 7.	
(6.) 14 & 15 Vict. c. 104.	The Episcopal and Capi- tular Estates Act, 1851.	The whole Act	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.	35
(7.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Pre- vention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.	40
				45

A.D. 1895.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
5 23 & 24 Vict. c. 19.	(8.) An Act to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the erection of Dwellings for the Labouring Classes in Ireland.	The whole Act -	---
10			
15 24 & 25 Vict. c. 109.	(9.) The Salmon Fishery Act, 1861.	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39. s. 3. 55 & 56 Vict. c. 50.
20 26 & 27 Vict. c. 105.	(10.) An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum.	The whole Act -	45 & 46 Vict. c. 61.
25 27 & 28 Vict. c. 20.	(11.) An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum in Ireland.	The whole Act.	---
30			
35 28 & 29 Vict. c. 46.	(12.) An Act to suspend the making of lists and the ballots for the Militia of the United Kingdom.	The whole Act -	45 & 46 Vict. c. 49.
40 28 & 29 Vict. c. 83.	(13.) The Locomotives Act, 1865.	The whole Act -	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.)
45 29 & 30 Vict. c. 52.	(14.) An Act to extend the law relating to the expenses of prosecutions, and to make provision for expenses on charges of felony and certain misdemeanors before examining magistrates.	The whole Act.	---
50 31 & 32 Vict. c. 125.	(15.) The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
55			
60 32 & 33 Vict. c. 21.	(16.) The Corrupt Practices Commission Expenses Act, 1869.	The whole Act -	34 & 35 Vict. c. 61.

A.D. 1895.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.	
(17.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act -	34 & 35 Vict. c. 100. 41 Vict. c. 6.	5
(18.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	—	
(19.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	The whole Act -	45 & 46 Vict. c. 50. (Municipal Elections).	10
(20.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act -	46 & 47 Vict. c. 51. s. 32.	15
(21.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57. 57 & 58 Vict. c. 49.	20
(22.) 41 & 42 Vict. c. 41.	The Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878.	The whole Act -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 45.	
(23.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act -	—	25
(24.) 43 Vict. c. 18. -	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act -	46 & 47 Vict. c. 51.	30
(25.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act -	—	
(26.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act -	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.	35
(27.) 45 & 46 Vict. c. 59.	The Educational Endowments (Scotland) Act, 1882.	As to the powers of Her Majesty in Council and of the Scotch Education Department, s. 47.	—	40
(28.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act -	—	45
(29.) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71.	50
(30.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act -	55 & 56 Vict. c. 7. 56 & 57 Vict. c. 73.	55

A.D. 1895.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
5 49 & 50 Vict. c. 29.	(31.) The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commis- sioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
10 50 & 51 Vict. c. 33.	(32.) The Land Law (Ireland) Act, 1887.	So much of sec- tion one as re- lates to the time within which applications un- der the section may be made.	51 & 52 Vict. c. 13. 52 & 53 Vict. c. 59. 53 & 54 Vict. c. 48.
15 20 51 & 52 Vict. c. 55.	(33.) The Sand Grouse Protec- tion Act, 1888.	The whole Act.	---
25 52 & 53 Vict. c. 40.	(34.) The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education com- mittee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.

PART II.

30 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes and as to the payment of the salaries of additional Charity Com- missioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
35			

Expiring Laws Continuance.

A

B I L L

To continue various Expiring Laws.

(Prepared and brought in by
*Mr. Attorney General, Mr. Hanbury,
and Mr. Jesse Collings*).

*Ordered, by The House of Commons, to be Printed,
28 August 1895.*

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[Bill 5.]

Extradition Bill. [H. L.]

MEMORANDUM.

Under the Extradition Act, 1870, a fugitive criminal must, except where the offence is committed on the high seas, be brought before a police magistrate at Bow Street, and the case heard there. Consequently, in a case such as that of M. Herz, who is unable from illness to be removed to London, the case cannot be heard at all.

Under section 16 of the Extradition Act, 1870, in the case of offences committed at sea, the case can be heard by any stipendiary magistrate in England or Ireland, and any sheriff or sheriff substitute in Scotland.

The Bill proposes to allow the Secretary of State if satisfied that the removal to Bow Street would be dangerous to the life or prejudicial to the health of the criminal to direct his case to be heard at any place in the United Kingdom, named in the order before the magistrate named in the order. The magistrate in England must be either a metropolitan, police, or stipendiary magistrate; in Scotland a sheriff or sheriff-substitute; and in Ireland a stipendiary magistrate.

If the prisoner is committed to await his surrender, and is not in a fit state of health to be removed to prison, the committing magistrate may order his detention in some other place.

A

B I L L

INTITULED

An Act to amend the Extradition Acts, 1870 and 1873, so far as respects the Magistrate by whom and the Place in which the Case may be heard and the Criminal held in Custody. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) Where a fugitive criminal has been apprehended in pursuance of a warrant under section eight of the Extradition Act, 1870, and a Secretary of State on representation made by or on behalf of the criminal is of opinion that his removal for the purpose of his case being heard at Bow Street will be dangerous to his life Hearing case elsewhere than at Bow Street.
- 10 or prejudicial to his health, the Secretary of State, if it appears to him consistent with the Order in Council under the Extradition Act, 1870, applicable to the case, may in his discretion by order, stating the reasons for such opinion, direct the case to be heard before such magistrate as is named in the order, and at the place in 33 & 34 Vict. c. 52.
- 15 the United Kingdom at which the criminal was apprehended, or for the time being is.
- (2.) The magistrate may be, if the place is in England, a metropolitan police magistrate, or a stipendiary magistrate, and if it is in Scotland, a sheriff or sheriff-substitute, and if it is in Ireland,
- 20 any stipendiary magistrate, and the magistrate hearing the case in pursuance of the order shall for that purpose be deemed to be a police magistrate within the meaning of the Extradition Act, 1870, and also shall have the same jurisdiction, duties, and powers, as near as may be, and may commit to the same prison as if he were
- 25 a magistrate for the county, borough, or place in which the hearing takes place ;

(3.) Provided that, when the fugitive criminal is committed to prison to await his surrender, the committing magistrate, if of

[Bill 334.]

A

A.D. 1895. — opinion that it will be dangerous to the life or prejudicial to the health of the prisoner to remove him to prison, may order him to be held in custody at the place in which he for the time being is, or any other place named in the order to which the magistrate thinks he can be removed without danger to his life or prejudice to his health, and while so held he shall be deemed to be in legal custody, and the Extradition Acts, 1870 and 1873, shall apply to him as if he were in the prison to which he is committed, and the forms of warrant used under the said Acts may be varied accordingly. 5

33 & 34 Vict.
c. 52.
36 & 37 Vict.
c. 60

10

Short title
and con-
struction.

2. This Act may be cited as the Extradition Act, 1895, and shall be construed together with the Extradition Acts, 1870 and 1873; and those Acts and this Act may be cited collectively as the Extradition Acts, 1870 to 1895.

Extradition. [H.L.]

A

B I L L

INTITLED

An Act to amend the Extradition Acts,
1870 and 1873, so far as respects the
Magistrate by whom and the Place
in which the Case may be heard and
the Criminal held in Custody.

(*Brought from the Lords 25 June 1895.*)

*Ordered, by The House of Commons, to be Printed,
2 July 1895.*

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[*Price 1d.*]

[Bill 334.]

A

B I L L

10

Remove Doubts arising under the Extraordinary Tithe Redemption Act, 1886. A.D. 1895.

WHEREAS section two of the Extraordinary Tithe Redemption Act, 1886 (in this Act referred to as the principal Act) requires the Land Commissioners for England to ascertain in each parish in England and Wales and certify the capital value of the extraordinary charge (as defined in the Act) on each farm, or where not a farm on each parcel of land in respect of which the extraordinary charge was payable at the passing of the Act : 49 & 50 Vict.
c. 54.

And whereas section four of the principal Act provides that the land in respect of which the extraordinary charge was so payable shall, so soon as the capital value is certified, be charged with the payment of an annual rentcharge equal to four per cent on the capital value, such rentcharge to be a charge on the particular farm or parcel of land in respect of which the same has been assessed.

And whereas the Commissioners, and since the transfer of their powers to the Board of Agriculture, that Board have in divers cases certified the capital value of the extraordinary charge on a farm, and doubts have arisen whether the annual rentcharge in respect of that capital value is a charge on the farm or only on certain parcels thereof, and it is expedient to remove such doubts :

And whereas by section nine of the principal Act all the provisions of the Tithe Acts in relation to any award or apportionment are made applicable to proceedings under the principal Act, and doubts have arisen as to whether such application authorises the division of the annual rentcharge under the principal Act among different parts of the land charged therewith, and it is expedient to remove such doubts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

[Bill 318.]

A.D. 1895. Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Removal of doubt as to incidence of and apportionment of rentcharge on account of extraordinary tithe rentcharge.

1.—(1.) Where the Commissioners or the Board of Agriculture have certified under the principal Act the capital value of an extraordinary charge on a farm specified in their certificate, the 5 annual rentcharge under the principal Act shall be and be deemed always to have been a charge on the farm so specified.

(2.) The enactments relating to the alteration of an apportionment of ordinary tithe rentcharge shall apply to the annual rentcharge under the principal Act as if it were apportioned tithe 10 rentcharge within the meaning of the said enactments, and any part of the annual rentcharge which is apportioned may be separately redeemed under the principal Act, and the amount of the capital value payable for the redemption of each such part shall be in proportion to the altered apportionment. 15

(3.) Nothing in this Act shall affect any legal proceeding instituted before the passing of this Act, or so far as respects the parties to such proceeding the effect of or any right determined by the judgment in such proceeding.

Short title.
49 & 50 Vict.
c. 54.

2. This Act may be cited as the Extraordinary Tithe Act, 1895, 20 and shall be construed as one with the Extraordinary Tithe Redemption Act, 1886, and that Act and this Act may be cited collectively as the Extraordinary Tithe Acts, 1886 and 1895.

A

B I L L

To remove Doubts arising under the
Extraordinary Title Redemption Act,
1886.

(*Prepared and brought in by*
Mr. Herbert Gardner
and Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed,
19 June 1895.

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[*Price 3d.*]

[Bill 318.]

Factories and Workshops Bill.

ARRANGEMENT OF CLAUSES.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

Clause.

1. Overcrowding of factory or workshop.
2. Power to make order as to dangerous factory or workshop.
3. Provision as to notice to sanitary authority.
4. Power to make order as to dangerous machine.
5. Penalty for employment of persons in places injurious to health.
6. Penalty for allowing wearing apparel to be made up in place where there is infectious disease.
7. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.
8. Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.
9. Regulation as to position of self-acting machine.
10. Power to require provision of moveable fire escape.
11. Representation of workmen on arbitration as to special rules.
12. Extension of 41 & 42 Vict. c. 16. s. 82, to death or injury caused by neglect of Act or special rules.

Employment.

13. Restriction of overtime employment.
14. Restrictions on employment inside and outside factory or workshop on the same day.

Holidays.

15. Days to be observed as holidays in England and Wales.

Accidents.

16. Amendment of 41 & 42 Vict. c. 16. s. 31, as to notice of accidents and inquests.

Clause.

17. Register of accidents.
18. Power to direct formal investigation.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

19. Application of Factory Acts to laundries.

Docks, &c.

20. Extension to docks, &c. of certain provisions of Factory Acts.

Tenement Factories.

21. Substitution of owner of tenement factory for occupier for certain purposes.
22. Regulations as to grinding and cutlery in tenement factory.
23. Validity of certificate of fitness in tenement factory.

Bakehouses.

24. Provisions as to bakehouses.

Special Restrictions as to Employment.

25. Provision respecting metal enamelling.
26. Power to prohibit or restrict employment in dangerous trade.

Special Provisions for Health.

27. Notification of certain diseases to chief inspector.
28. Lavatories in dangerous trades.
29. Provisions as to humid factories.
30. Temperature in certain factories and workshops.
31. Amendment of 41 & 42 Vict. c. 16. s. 36, as to use of fans.

MISCELLANEOUS AMENDMENTS.

32. Annual returns of persons employed.
33. Sanitary conveniences.
34. Amendment of 41 & 42 Vict. c. 16. ss. 13 and 14, as to period of employment.

Clause.

35. Amendment of 41 & 42 Vict. c. 16. s. 52, and Third Schedule, Parts I. and III.
36. Amendment of 41 & 42 Vict. c. 16. s. 55, as to overtime in Turkey red dyeing.
37. Amendment of 41 & 42 Vict. c. 16. s. 58, as to shifts.
38. Particulars respecting wages to be furnished in certain cases.
39. Notice of existing workshops.
40. Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of outworkers.
41. Evidence as to failure to limewash.
42. Amendment of 41 & 42 Vict. c. 16. s. 66, and 54 & 55 Vict. c. 75. s. 29.
43. Amendment of 41 & 42 Vict. c. 16. s. 68, as to powers of inspector.
44. Special inquiries and re-examinations by certifying surgeons.
45. Service of documents on owner.
46. Payment of costs by actual offender in lieu of occupier.
47. Right of inspector to conduct proceedings before magistrates.
48. Application to Ireland.
49. Interpretation.
50. Repeal.
51. Commencement of Act.
52. Short titles and construction.

SCHEDULES.

A

B I L L

TO

Amend and extend the Law relating to Factories and Workshops. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

1. A factory shall for the purpose of section three of the principal Act, and a workshop shall for the purpose of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

Over-crowding of factory or workshop. [See 41 & 42 Vict. c. 16. s. 3. 38 & 39 Vict. c. 55. s. 91., 54 & 55 Vict. c. 76. s. 2.]

15 Provided that the Secretary of State may, by order made in accordance with section sixty-five of the principal Act, modify this proportion for any period during which artificial light is employed, and may by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

2.--(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the place from being used for the purpose of that process or handicraft, until such works have

Power to make order; as to dangerous factory or workshop.

[Bill 153.]

A

A.D. 1895. — been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any sanitary authority under the provisions of the law 5 relating to public health, unless the inspector is authorised to take proceedings in pursuance of section one or section two of the Act of 1891.

(3.) If there is any contravention of an order under this section the occupier of the place shall be liable to a fine not exceeding 10 *forty shillings* a day during such contravention.

Provision as to notice to sanitary authority.

3.—(1.) Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act to a sanitary authority, it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice. 15

(2.) In section two of the Act of 1891, for the words “within a reasonable time” shall be substituted the words “within one month.”

Power to make order as to dangerous machine.

4.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any machine used in a factory or workshop is in such a condition that it cannot be used 20 without danger to life or limb, by order prohibit the machine from being used, or, if it is capable of repair or alteration, from being used until it is duly repaired or altered.

(2.) Where a complaint has been made under this section the court or a justice may, on application *ex parte* by the inspector, 25 and on receiving evidence that the use of any such machine involves imminent danger to life, make an interim order prohibiting the use of the machine until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, 30 the person entitled to control the use of the machine shall be liable to a fine not exceeding *forty shillings* a day during such contravention.

Penalty for employment of persons in places injurious to health.

5.—(1.) If an inspector gives notice in writing to the occupier of a factory or workshop that any place in which work is carried on 35 for the purpose of or in connexion with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier after the expiration of *one month* from receipt of the notice gives out work to be done in that place, and the place is found to be so injurious or dangerous, 40 he shall be liable on summary conviction to a fine not exceeding *twenty pounds*.

(2.) This section shall apply to any place from which any work is given out, and to the occupier of that place, and to every con-

tractor employed by any such occupier in connexion with the work, as if that place were a workshop. A.D. 1895.

(3.) Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of 5 persons giving out employment and employed within such areas, as may from time to time be specified by the Secretary of State by order made in accordance with section sixty-five of the principal Act.

6. If any occupier of a factory or workshop knowingly causes or allows wearing apparel to be made, cleaned, or repaired in any 10 building any inmate of which is suffering from scarlet fever or small-pox, he shall be liable to a fine not exceeding *twenty pounds*.

Penalty for allowing wearing apparel to be made in place where there is infectious disease.

7.—(1.) In paragraph (1) of section five of the principal Act for the words “a steam engine and water wheel” shall be substituted “any engine worked by any such power.”

Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.

15 (2.) In paragraph 4 of the same section for the words “for the purpose of any manufacturing process” shall be substituted the words “except where the parts are under repair or under examination in connexion with repair.”

8. The first paragraph of section nine of the principal Act 20 (which relates to the cleaning of machinery) shall apply to young persons in like manner as it applies to children, and accordingly in that paragraph the words “or young person” shall be inserted after the word “child.”

Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.

9.—(1.) The traversing-carriage of any self-acting machine 25 erected after the commencement of this Act in a factory shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise.

Regulation as to position of self-acting machine.

30 Provided that if the machine is on the same site as and is substituted for a similar machine existing before the commencement of this Act, the existing distance, if less than eighteen inches, shall for the purposes of this section be substituted for the said distance of eighteen inches.

35 (2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

10.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that the provision of a moveable fire escape or moveable fire escapes is required for the safety of any 40 of the persons employed in a factory or workshop, by order require the occupier of the factory or workshop to provide a moveable fire escape or moveable fire escapes sufficient for that purpose.

Power to require provision of moveable fire escape.

A.D. 1895.

(2.) If there is any contravention of an order under this section the occupier of the factory or workshop shall be liable to a fine not exceeding *forty shillings* a day during such contravention.

Representa-
tion of
workmen on
arbitration
as to special
rules.

11. Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire 5 may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them. 10 on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to costs as if he were a party to the arbitration. 15

Extension of
41 & 42 Vict.
c. 16, s. 82
to death or
injury
caused by
neglect of
Act or
special rules.

12. Section eighty-two of the principal Act, which provides penal compensation to persons injured by neglect to fence machinery, shall extend to any death or bodily injury or injury to health in consequence of the occupier of a factory or workshop having neglected to observe any provision of the Factory Acts or any 20 special rule or requirement made in pursuance of the Act of 1891.

Employment.

Restriction
of overtime
employment.

13.—(1.) A young person shall not be employed overtime in pursuance of section fifty-three of the principal Act.

(2.) A woman shall not be employed overtime in pursuance of 25 section fifty-three of the principal Act for more than *three days* in any one week or for more than *thirty days* in any twelve months, and shall not be employed overtime in pursuance of section fifty-six of the principal Act for more than *sixty days* in any twelve months; and, accordingly, in section fifty-three the words "*three days*," 30 and "*thirty days*," shall be substituted for the words "*five days*," and "*forty-eight days*," and in section fifty-six the words "*sixty days*" shall be substituted for the words "*ninety-six days*."

(3.) Section fifty-eight of the principal Act shall apply only to male young persons of *sixteen years* of age or upwards. 35

(4.) Section fifty-eight of the principal Act shall not authorise in any factory specified in Part Six of the Third Schedule to the principal Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part One of the Fourth Schedule to that Act. 40

(5.) Section sixty of the principal Act shall apply only to male young persons of *sixteen years* of age and upwards, and nothing in that section shall be construed as authorising the employment of any person on Sunday. A.D. 1895.

5 (6.) For paragraph (4) of the said section sixty shall be substituted the following sub-section:—

“(4.) Such young person shall not be employed continuously for more than *five hours* without an interval of at least *half an hour* for a meal.” [See 41 & 42
Vict. c. 16.
s. 13 (4).]

10 (7.) Nothing in the Factory Acts shall be construed as authorising work during overtime on Saturday, or on any day substituted for Saturday as a half holiday.

14.—(1.) A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop. Restrictions
on employ-
ment inside
and outside
factory or
workshop on
the same day.

(2.) A young person or woman shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a young person or woman is employed on the same day both in a factory or workshop and in a shop, the whole period of employment of that young person or woman shall not exceed the number of hours permitted by the Factory Acts for his or her employment in the factory or workshop. [See 55 & 56
Vict. c. 62.
s. 3.]

(5.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

Holidays.

15. Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891, and substituting for any holiday herein-after mentioned another holiday or two half holidays, the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act shall be the whole Days to be
observed as
holidays in
England and
Wales.

A.D. 1895. of Christmas Day and of Good Friday, and of every bank holiday, and unless any other holidays or half-holidays are so substituted, it shall not be necessary to affix in the factory or workshop any notice of the holidays or half-holidays to be observed, or to forward a copy of any such notice to the inspector of the district. 5

Accidents.

Amendment
of 41 & 42
Vict. c. 16.
s. 31,
as to notice
of accidents
and inquests.
[See 57 & 58
Vict. c. 28.
ss. 1, 6.]

16.—(1.) For the paragraph marked (b) in section thirty-one of the principal Act the following paragraph shall be substituted; namely—

“(b) causes to any person employed in a factory or workshop such 10
“bodily injury as to prevent him on any one of the three
“working days next after the occurrence of the accident from
“being employed for five hours on his ordinary work.”

[See 50 & 51
Vict. c. 58.
s. 48.]

(2.) Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless an inspector 15
or some person on behalf of a Secretary of State is present to watch the proceedings, and shall at least *four days* before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that if the accident has not occasioned the death of 20
more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than *twenty-four hours* before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of 25
the jury think it unnecessary so to adjourn.

Register of
accidents.

17.—(1.) Every occupier of a factory and workshop shall keep a register of accidents, and shall enter therein every accident occurring in the factory and workshop of which notice is required by the Factory Acts within *one week* after the occurrence of the accident, 30
and this register shall be at all times open to inspection by the inspector and by the certifying surgeon for the district.

(2.) If any occupier of a factory or workshop makes default in complying with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding *ten pounds*. 35

Power to
direct formal
investiga-
tion.

18. Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the provisions of sections forty- 40
five and forty-six of the Coal Mines Regulation Act, 1887, shall

50 & 51 Vict.
c. 58.

have effect, except that references to the said Act in the said section forty-five shall be construed as references to the Factory Acts. A.D. 1895.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

- 5 19.—(1.) The Factory Acts shall apply to every laundry which is carried on by way of trade or for purpose of gain : Application
of Factory
Acts to
laundries.
- (i.) if steam, water, or other mechanical power is used in aid of the laundry process, as if the laundry were a non-textile factory ; and
- 10 (ii.) in any other case, as if the laundry were a workshop.
- (2.) In the case of every laundry worked by steam, water, or other mechanical power :
- (a.) A fan or other means of a proper construction shall be provided, maintained, and used for regulating the temperature
- 15 in every ironing-room, and for carrying away the steam in every washhouse in the laundry ; and
- (b.) All stoves for heating irons shall be sufficiently separated from any ironing room, and gas irons emitting any noxious fumes shall not be used ; and
- 20 (c.) The flooring shall be kept in good condition and drained in such manner as will allow the water to flow off freely.
- A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with the principal Act.
- 25 (3.) Nothing in this section shall apply to any laundry in which the only persons employed are members of the same family dwelling there.
- (4.) The exception created by section fifty-three of the principal Act with respect to overtime shall apply to laundries.

30 *Docks, &c.*

- 20.—(1.) The following provisions of the principal Act, as amended by subsequent enactments, including this Act, namely :—
- (i.) Sections five and eighty-two, with respect to the fencing of machinery ; Extension to
docks, &c. of
certain pro-
visions of
Factory
Acts.
- 35 (ii.) Section thirty-one, with respect to notice of accidents ; and
- (iii.) Section sixty-eight, with respect to the powers of inspectors ; and the provisions of this Act with respect to the register of accidents and the formal investigation of accidents, shall have
- 40 effect as if—
- (a) every dock, wharf, quay, and warehouse, and
- (b) any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the

A.D. 1895.

purpose of the construction of a building or any structural work in connexion with a building, were included in the word factory, and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses 5 any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those sections the occupier of a dock, wharf, quay, or warehouse, and the person so using any such machinery, shall be deemed to be the occupier of a factory. 10

Tenement Factories.

Substitution
of owner of
tenement
factory
for occupier
for certain
purposes.

21.--(1.) Where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft in such manner that those parts constitute in law separate factories, the owner 15 (whether or not he is one of the persons so in occupation) of the building (which building is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions, namely: 20

- (a.) Section three of the principal Act, with respect to the sanitary condition of a factory; and
- (b.) Sections five and eighty-two of the principal Act, with respect to the fencing of machinery in a factory, except so far as those sections relate to such parts of the machinery as are 25 supplied by the occupier; and
- (c.) Section nineteen of the principal Act, with respect to the notices to be affixed in a factory and the matters to be specified therein; and
- (d.) Section thirty-three of the principal Act, with respect to 30 the limewashing and washing of the interior of a factory, so far as it relates to any engine house, passage, or staircase, or to any room which is let to more than one tenant; and
- (e.) Section thirty-six of the principal Act, with respect to the removal of dust, so far as that section requires the supply 35 of pipes or other contrivances necessary for working the fan or other means for that purpose; and
- (f.) Section seventy-eight of the principal Act, with respect to the affixing of an abstract and notices.

(2.) In a tenement factory the period and times specified in the 40 notice affixed in accordance with section nineteen of the principal Act shall apply to all the factories in the building, except so far as they may be modified for any particular factory in the building by

a special notice in the prescribed form affixed in that factory by the occupier thereof. A.D. 1895.

(3.) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

(4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be) to be served on or taken in relation to the owner.

(6.) For the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

22.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the First Schedule to this Act.

Regulations as to grinding and cutlery in tenement factory.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding or cutlery is carried on the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is any contravention of this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

23. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

Validity of certificate of fitness in tenement factory.

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*Bakehouses.*Provisions
as to bake-
houses.

24.—(1.) Sections thirty-four and thirty-five of the principal Act shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons shall be repealed.

(2.) So much of section forty-five of the principal Act as authorises the Secretary of State to grant a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons shall be repealed.

(3.) In section fifteen of the Factory and Workshop Act, 1883, the words, “which was not so let or occupied before the first day of June, one thousand eight hundred and eighty-three,” shall be repealed.

*Special Restrictions as to Employment.*Provision
respecting
metal en-
amelling.

25. Lead or arsenic shall not be used in any factory or workshop in the process of tinning or enamelling metal hollow-ware cooking utensils; and a factory or workshop in which there is a contravention of this enactment shall be deemed not to be kept in conformity with the principal Act.

Power to
prohibit or
restrict em-
ployment in
dangerous
trade.

26. Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb.

*Special Provisions for Health.*Notification
of certain
diseases to
chief
inspector.

27.—(1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, or arsenical poisoning, or anthrax, contracted in any factory or workshop shall (unless the notice required by this section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which in the opinion of the medical practitioner the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of *two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution of the principal Act.*

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding *forty shillings.*

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax occurring in a factory or workshop shall forthwith be sent to the inspector and to the certifying surgeon for the district; and sections thirty-one and thirty-two of the principal Act, and section twenty-two of the Act of 1891, shall apply to any such case in like manner as to any such accident as is in those sections mentioned. A.D. 1895.

(4.) The Secretary of State may by order made in accordance with section sixty-five of the principal Act apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

28.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences shall be provided for the use of the persons employed in any department where such substances are used. Lavatories in dangerous trades.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

29.—(1.) The Cotton Cloth Factories Act, 1889, shall apply to every textile factory in which atmospheric humidity is artificially produced, with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with section sixty-five of the principal Act may direct. Provisions as to humid factories.

(2.) In section nine of the Cotton Cloth Factories Act, 1889, the words “and the arrangements for such ventilation shall be kept in operation, subject, as far as possible, to the control of the persons employed therein,” shall be repealed.

30.—(1.) In every factory and workshop in which the business of making wearing apparel is carried on the temperature of each room in which any person is employed in that business shall be kept up to not less than sixty degrees Fahrenheit. Temperature in certain factories and workshops.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

31. Section thirty-six of the principal Act shall extend to any factory or workshop where any process is carried on by which any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent. Amendment of 41 & 42 Vict. c. 16. s. 36, as to use of fans.

MISCELLANEOUS AMENDMENTS.

32. The occupier of every factory and workshop shall on or before the *twenty-first day of January* in every year send to the

Annual returns of persons employed.

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[See 50 & 51
Vict. c. 52.
s. 33.]

inspector of the district on behalf of the Secretary of State a correct return specifying, with respect to the year ending on the preceding *thirty-first day of December*, the number of persons who are ordinarily employed in the factory or workshop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding *ten pounds*.

Sanitary con-
veniences.
53 & 54 Vict.
c. 59.

33.—(1.) In every place where section twenty-two of the Public Health Acts Amendment Act 1890 is not in force every factory or workshop shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are employed or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

Amendment
of 41 & 42
Vict. c. 16.
ss. 13 and 14
as to period
of employ-
ment.

34.—(1.) In the regulation numbered (1) in section thirteen of the principal Act, after the words “end at seven o’clock in the evening,” shall be inserted the words “or begin at *eight* o’clock in the morning and end at *eight* o’clock in the evening.”

(2.) In the regulation numbered (2) in the same section, after the words “two o’clock in the afternoon,” shall be inserted the words “or when it begins at seven o’clock in the morning, at *three* o’clock in the afternoon, or begin at *eight* o’clock in the morning and end at *four* o’clock in the afternoon.”

(3.) If in a non-textile factory or workshop the period of employment of young persons and women is from eight o’clock in the morning to eight o’clock in the evening, then, subject to the provisions of section fourteen of the principal Act, the period of employment of a child in a morning set may begin at *eight* o’clock in the morning, and in an afternoon set may end at *eight* o’clock in the evening, or on Saturday at *four* o’clock in the afternoon, and the period of employment of a child employed on the alternate day system may begin at *eight* o’clock in the morning, and end at *eight* o’clock in the evening, or on Saturday at *four* o’clock in the afternoon.

Amendment
of 41 & 42
Vict. c. 16.
s. 52, and

35.—(1.) In section fifty-three of the principal Act—
For the words “the factories and workshops or parts thereof” shall be substituted the words “the non-textile factories and workshops or parts thereof and warehouses”; and

For the words "the factories and workshops and parts thereof" shall be substituted the words "the non-textile factories and
"workshops and parts thereof and warehouses,"

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Third
Schedule,
Parts I. and
III.

wherever those words respectively occur in that section.

5 (2.) In Part Three of the Third Schedule to the principal Act, before the word "factories" shall be inserted the word "non-textile," the words "and also" are hereby repealed, and for the paragraph marked "(x.*)" there shall be substituted the following paragraph, namely:

10 "The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods."

15 **36.**—(1.) Section fifty-five of the principal Act shall be amended by the addition, after the words "open-air bleaching," of the words "but the additional number of hours so worked shall be computed
"as part of the week's limit of work, which shall in no case be
"exceeded."

Amendment
of 41 & 42
Vict. c. 16.
s. 55, as to
overtime in
Turkey red
dyeing.

20 (2.) Nothing in the said section shall be construed as authorising a young person or woman to commence work before *six* o'clock in the morning.

37. Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight of that
25 Act applies in three shifts of not more than *eight* hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment.

Amendment
of 41 & 42
Vict. c. 16.
s. 58 as to
shifts.

38.—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to
30 compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done and also particulars of the work to which that rate is to be applied, as follows:—

Particulars
respecting
wages to be
furnished in
certain cases.

35 (a.) The particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not
40 containing any other matter, and posted in a position where it is easily legible:

(b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator, having

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the number of teeth in each wheel marked on its case) be furnished to him in writing at the time when the work is given out to him :

(c.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols, unless the symbols denote, and are understood by each workman to whom they are furnished to denote, the particulars required by this section. 5

(2.) If the occupier fails to comply with the requirements of this section, or fraudently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, he shall be liable for each offence to a fine of not more than *ten pounds*, and, in case of a second or subsequent conviction within *two years* from the last conviction for that offence, not less than *one pound*. 10

(3.) If anyone engaged as a worker in any factory or workshop, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding *ten pounds*. 15

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in any factory to disclose such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding *ten pounds*. 20

(5.) This section shall take effect instead of section twenty-four of the Act of 1891. 25

Notice of
existing
workshops.
[See 41 & 42
Vict. c. 16
s. 75; 54 &
55 Vict. c.
75 s. 26.]

39. Every person who is in occupation of a workshop at the commencement of this Act shall before the expiration of *twelve months* from the commencement of this Act, unless he has already done so in pursuance of section twenty-six of the Act of 1891, serve on an inspector a written notice containing the name of the workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, and the name of the person or firm under which the business of the workshop is carried on, and in default shall be liable to a fine not exceeding *five pounds*. Any notice so served shall be forthwith forwarded to the sanitary authority of the district in which the workshop is situate. 30 35

Amend-
ment and
extension of
54 & 55 Vict.
c. 75. s. 27,
respecting
lists of out-
workers.

40.—(1.) Every occupier of a factory or workshop to whom section twenty-seven of the Act of 1891 for the time being applies, and every contractor employed by any such occupier in the business of the factory or workshop, shall on or before the *twenty-first* day of January and the *twenty-first* day of July in each year send to the inspector for the district in which the factory or workshop is situate 40

a list showing the names of all persons directly employed by him either as workmen or as contractors in the business of the factory or workshop or outside the factory or workshop, and the places where they are employed, and in default of so doing shall be
 5 liable to a fine not exceeding *forty shillings*.

(2.) Section twenty-seven of the Act of 1891 and this section shall apply to any place from which any work of making wearing apparel for sale is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion
 10 with the said work, as if that place were a workshop.

41. Failure to enter in the register kept in pursuance of section seventy-seven of the principal Act the prescribed particulars as to lime-washing shall be *prima facie* evidence of failure to observe the requirements of the Factory Acts with respect to lime-washing.

Evidence
as to failure
to limewash.
[See
41 & 42 Vict.
c. 16. s. 77.]

15 42.—(1.) In section sixty-six of the principal Act the words “the inspector for the district” shall be substituted for the words “an inspector” wherever they occur in that section.

Amendment
of 41 & 42
Vict. c. 16.
s. 66, and
54 & 55 Vict.
c. 75. s. 29.

(2.) In section twenty-nine of the Act of 1891, the words “the factory inspector for the district within which the offence is
 20 charged to have been committed” shall be substituted for the words “a factory inspector.”

43. Section sixty-eight of the principal Act shall have effect as if in the paragraph numbered (2), which empowers an inspector to take with him a constable into a factory, the words “or workshop”
 25 were inserted after the word “factory.”

Amend-
ment of
41 & 42 Vict.
c. 16. s. 68,
as to powers
of inspector.

44.—(1.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child, and any expense incurred by the Secretary of State under this provision shall be defrayed as other expenses
 30 incurred by him in the execution of the *Factory Acts*.

Special
inquiries and
re-examina-
tions by
certifying
surgeons.

(2.) The fees to be paid to certifying surgeons in cases where in pursuance of the Factory Acts or of special rules under the Factory Acts they are required to examine the persons employed in a factory or workshop shall be in accordance with the
 35 scale set forth in the Second Schedule to this Act or with such scale as may be substituted therefor by the Secretary of State.

45. Any notice, order, requisition, summons, or document required or authorised by the Factory Acts to be served on the owner as
 40 defined by this Act of a factory or workshop, may be served by

Service of
documents
on owner.

A.D. 1895. delivering the same or a true copy thereof to the agent of the owner as so defined.

Payment of costs by actual offender in lieu of occupier.

46. Where in pursuance of section eighty-seven of the principal Act some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding. 5

Right of inspector to conduct proceedings before magistrates. [Cf. 53 & 54 Vict. c. 21. s. 27.]

47. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel or solicitor, or writer to the signet, prosecute, conduct, or defend before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector. 10

Application to Ireland. 41 & 42 Vict. c. 52.

48. In the application of the Factory Acts to Ireland— 15

The expression "Public Health (Ireland) Act, 1874," where it occurs in subsection eleven of section one hundred and six of the principal Act, and the expression "Public Health Act, 1875," where it occurs in sections four and seven of the Act of 1891, shall be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same. 20

Interpretation.

49. In this Act, unless the context otherwise requires—

(1.) The expression "the Factory Acts" means the Factory and Workshop Acts, 1878 to 1891, and this Act :

The expression "the principal Act" means the Factory and Workshop Act, 1878 : 25

The expression "the Act of 1891" means the Factory and Workshop Act, 1891 :

38 & 39 Vict. c. 55.

The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875. 30

(2.) References to any section of the Factory Acts shall be construed as references to that section as amended by subsequent enactments, including this Act.

Repeal.

50. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. 35

Commencement of Act.

51. This Act shall come into operation on the *first* day of January one thousand eight hundred and ninety-six.

Short titles and construction.

52. This Act may be cited as the Factory and Workshop Act, 1895, and shall be construed as one with the Factory and Workshop Acts, 1878 to 1891, and those Acts and this Act may be cited collectively as the Factory and Workshop Acts, 1878 to 1895. 40

SCHEDULES.

A.D. 1895

FIRST SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

- (1.) Boards to fence the shafting and pulleys, locally known as drum boards,
5 shall be provided and kept in proper repair.
- (2.) Hand rails shall be fixed over the drums and kept in proper repair.
- (3.) Belt guards, locally known as scotchmen, shall be provided and kept in proper repair.
- (4.) Every floor which is constructed after the commencement of this
10 Act shall be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences shall be provided for facilitating such removal.
- (5.) All existing floors shall be kept clean of accumulations of mud and slush.
- 15 (6.) Every grinding room or hull which is established after the commencement of this Act shall be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each
20 trough.
- (7.) The sides of all drums in every grinding-room or hull shall be closely fenced.
- (8.) No grindstone shall be run before any fire place.
- (9.) No grindstone erected after the commencement of this Act shall be run
25 before any fire-place or before any door or other entrance.
-

A.D. 1895.

SECOND SCHEDULE.

SCALE OF FEES TO CERTIFYING SURGEONS.

Under 10 hands	-	-	-	-	2s. 6d. per visit.	
" 20 "	-	-	-	-	3s.	"
" 30 "	-	-	-	-	3s. 6d.	" 5
" 50 "	-	-	-	-	4s.	"
" 75 "	-	-	-	-	4s. 6d.	"
" 100 "	-	-	-	-	5s.	"
Over 100 "	-	-	-	-	7s. 6d.	"

With the addition of 1s. for every mile or portion of a mile in excess of one 10 mile from the certifying surgeon's residence.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
41 & 42 Vict. c. 16. -	The Factory and Work-shop Act, 1878.	Section forty-two Part One of the Third Schedule. Part Three of the Third Schedule, from "and also" to "packing-up " goods."	15
54 & 55 Vict. c. 75. -	The Factory and Work-shop Act, 1891.	Sub-section one of section twenty- two, and section twenty four.	20

Workshops.

A

B I L L

To amend and extend the Law relating
to Factories and Workshops.

(Prepared and brought in by
Mr. Secretary Asquith, Mr. George Russell,
and Mr. Sydney Buxton.)

Ordered, by The House of Commons, to be Printed,
1 March 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
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[*Price 2d.*]

[Bill 153.]

Factories and Workshops Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE.]

ARRANGEMENT OF CLAUSES.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

Clause.

1. Overcrowding of factory or workshop.
2. Power to make order as to dangerous factory or workshop.
3. Provision as to notice to sanitary authority.
4. Power to make order as to dangerous machine.
5. Penalty for employment of persons in places injurious to health.
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[Bill 329.]

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34. Annual returns of persons employed.
35. Sanitary conveniences.
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[58 & 59 VICT.] *Factories and Workshops.*

Clause.

37. Amendment of 41 & 42 Vict. c. 16. s. 52, and Third Schedule, Parts I. and III.
38. Amendment of 41 & 42 Vict. c. 16. s. 58, as to shifts.
39. Power to treat separate branches as separate factories.
40. Particulars respecting wages to be furnished in certain cases.
41. Notice of existing workshops.
42. Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of outworkers.
43. Evidence as to failure to limewash.
44. Amendment of 41 & 42 Vict. c. 16. s. 66, and 54 & 55 Vict. c. 75. s. 29.
45. Amendment of 41 & 42 Vict. c. 16. s. 68, as to powers of inspector.
46. Special inquiries and re-examinations by certifying surgeons.
47. Publication of orders.
48. Service of documents on owner.
49. Competency of defendant to give evidence.
50. Payment of costs by actual offender in lieu of occupier.
51. Right of inspector to conduct proceedings before magistrates.
52. Application to Ireland.
53. Interpretation.
54. Repeal.
55. Commencement of Act.
56. Short titles and construction.

SCHEDULES.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE]

TO

Amend and extend the Law relating to Factories and Workshops. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

1. A factory shall for the purpose of section three of the principal Act, and a workshop shall for the purpose of the law relating to public health, be deemed to be so overcrowded as to be dangerous
- 10 or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.
- 15 Provided that the Secretary of State may, by order made in accordance with section sixty-five of the principal Act, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may by like order, as regards any particular manufacturing
- 20 process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.
- 25 Section seventy-eight of the principal Act shall be read as if there were included among the notices required by that section to be affixed, a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

Over-crowding of factory or workshop.
[See 41 & 42 Vict. c. 16. s. 3.
38 & 39 Vict. c. 55. s. 91.,
54 & 55 Vict. c. 76. s. 2.]

[Bill 329.]

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A.D. 1895.

Power to
make order
as to
dangerous
factory or
workshop.

2.--(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health 5 or to life or limb, by order, prohibit the place from being used for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this 10 section in cases where proceedings might be taken by or at the instance of any sanitary authority under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings in pursuance of section one or section two of the 15 Act of 1891.

(3.) If there is any contravention of an order under this section the occupier of the place shall be liable to a fine not exceeding forty shillings a day during such contravention.

Provision as
to notice to
sanitary
authority.

3.—(1.) Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act to a sanitary 20 authority, it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice.

(2.) In section two of the Act of 1891, for the words "within a reasonable time" shall be substituted the words "within one month."

Power to
make order
as to
dangerous
machine.

4.—(1.) A court of summary jurisdiction may, on complaint by 25 an inspector, and on being satisfied that any machine used in a factory or workshop is in such a condition that it cannot be used without danger to life or limb, by order prohibit the machine from being used, or, if it is capable of repair or alteration, from being used until it is duly repaired or altered. 30

(2.) Where a complaint has been made under this section the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such machine involves imminent danger to life, make an interim order prohibiting 35 either absolutely or subject to conditions the use of the machine until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the machine shall be liable to a fine not exceeding forty shillings a day during such 40 contravention.

5.—(1.) If an inspector gives notice in writing to the occupier of a factory or workshop, or to any contractor employed by any such occupier, that any place in which work is carried on for the purpose of or in connexion with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found to be so injurious or dangerous, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

A.D. 1895.
Penalty for employment of persons in places injurious to health.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out, as if that place were a workshop.

(3.) Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of persons giving out employment and employed within such areas, as may from time to time be specified by the Secretary of State by order made in accordance with section sixty-five of the principal Act.

6. If any occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding twenty pounds.

Penalty for allowing wearing apparel to be made in place where there is infectious disease.

7.—(1.) In paragraph (1) of section five of the principal Act for the words “a steam engine and water wheel” shall be substituted “any water-wheel or engine worked by any such power.”

Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.

(2.) In paragraph (3) of the same section after the word “employed,” the words “or working” shall be inserted.

(3.) In paragraph (4) of the same section for the words “for the purpose of any manufacturing process” shall be substituted the words “except where the parts are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.”

8. The first paragraph of section nine of the principal Act (which relates to the cleaning of machinery) shall apply, so far as the dangerous parts of machinery are concerned, to young persons in like manner as it applies to children, and for this purpose such

Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning

A.D. 1895.

of machinery
in motion.Regulation
as to
position of
self-acting
machine.

parts of the machinery shall be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

9.—(1.) The traversing carriage of any self-acting machine erected after the commencement of this Act in a factory shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise.

Provided that if the factory has been erected before the commencement of this Act and the machine is substituted for a similar machine existing in the same factory before the commencement of this Act, the previously existing distance, if less than eighteen inches, shall for the purposes of this section be substituted for the said distance of eighteen inches.

(2.) A person employed in a factory shall not be allowed to be in the space between the fixed and the traversing portions of a self-acting machine unless the machine is stopped with the traversing portion on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with the principal Act, and any person allowed to be in the space aforesaid in contravention of this section, shall be deemed to be employed contrary to the provisions of the principal Act.

Power to
require
provision of
moveable
fire escape.

10.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that the provision of a moveable fire escape or moveable fire escapes is required for the safety of any of the persons employed in a factory or workshop, by order require the occupier of the factory or workshop to provide and maintain a moveable fire escape or moveable fire escapes sufficient for that purpose.

(2.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, shall not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(3.) In every factory or workshop the construction of which is commenced after the commencement of this Act, the doors of each

room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards. A.D. 1895.

(4.) Sub-section one of section seven of the Act of 1891 shall apply to all workshops the construction of which is commenced after the commencement of this Act, and in which more than forty persons are employed, in like manner as it applies to factories, and sub-section two of that section shall apply to all workshops to which the foregoing provision of this sub-section does not apply, in like manner as it applies to factories.

(5.) For the purpose of enforcing the provisions of section seven of the Act of 1891 with respect to fire escapes, an inspector may give the like notice and take the like proceedings as under section four of the principal Act and section two of the Act of 1891, and the provisions of those sections shall apply accordingly.

(6.) If there is any contravention of an order under this section the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings a day during such contravention, and a factory or workshop in which there is a contravention of the requirements of this section shall be deemed not to be kept in conformity with the principal Act.

11.—(1.) An application to refer, under section seven of the Act of 1891, a difference as to a notice by a sanitary authority or by the London County Council must be made within one month after the time when the difference arises. Provision as to arbitration on special rules.

(2.) Where such a difference is referred to arbitration, the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award in the arbitration.

12. Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration. Representation of workmen on arbitration as to special rules.

13. Section eighty-two of the principal Act, which provides penal compensation to persons injured by neglect to fence machinery, Extension of 41 & 42 Vict. c. 16. s. 82

A.D. 1895. shall extend to any death or bodily injury or injury to health in
 to death or consequence of the occupier of a factory or workshop having
 injury neglected to observe any provision of the Factory Acts or any
 caused by special rule or requirement made in pursuance of the Act of 1891.
 neglect of Provided that in the case of injury to health the occupier shall 5
 Act or not be liable under this section unless the injury was caused solely
 special rules. by such neglect.

Employment.

Restriction of overtime employment. 14.—(1.) A young person shall not be employed overtime in
 pursuance of section fifty-three of the principal Act. 10

(2.) A woman shall not be employed overtime in pursuance of
 section fifty-three of the principal Act for more than three days
 in any one week or for more than thirty days in any twelve months,
 and shall not be employed overtime in pursuance of section fifty-six
 of the principal Act for more than sixty days in any twelve months; 15
 and, accordingly, in section fifty-three the words “three days,”
 and “thirty days,” shall be substituted for the words “five days,”
 and “forty-eight days,” and in section fifty-six the words “sixty
 days” shall be substituted for the words “ninety-six days.” —

(3.) Section fifty-eight of the principal Act shall apply only 20
 to male young persons of fourteen years of age or upwards and
 the powers of the Secretary of State under section sixty-three of the
 principal Act shall extend to making orders as to the total number
 of hour of employment in each week, the periods of employment,
 and the intervals between such periods, which are to be conditions 25
 of the employment of young persons at night, and to rescinding
 such orders.

(4.) Section fifty-eight of the principal Act shall not authorise in
 any factory specified in Part Six of the Third Schedule to the principal
 Act the employment during the night of young persons in any 30
 process other than a process incidental to the business of the factory
 as described in Part One of the Fourth Schedule to that Act.

(5.) Section sixty of the principal Act shall apply only to male
 young persons of fourteen years of age and upwards, and nothing in
 that section shall be construed as authorising the employment of 35
 any person on Sunday.

(6.) For paragraph (4) of the said section sixty shall be sub-
 stituted the following sub-section:—

[See 41 & 42
 Vict. c. 16.
 . 13 (4).]

“(4.) Such young person shall not be employed continuously for
 more than five hours without an interval of at least half an 40
 hour for a meal.”

(7.) Nothing in the Factory Acts shall be construed as authorising work during overtime on Saturday, or on any day substituted for Saturday as a half holiday, but work in accordance with section fifty of the principal Act shall not be deemed work during over-
5 time.

15 15. Section seventy-seven of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which section fifty-three of the principal Act applies.

A.D. 1895.
—
Registers of children and young persons made compulsory in certain workshops. Restrictions on employment inside and outside factory or workshop on the same day.

10 16.—(1.) A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

15 (2.) A young person or woman shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

20 (3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

25 (4.) If a young person or woman is employed by the same employer on the same day both in a factory or workshop and in a shop, the whole period of employment of that young person or woman shall not exceed the number of hours permitted by the Factory Acts for his or her employment in the factory or workshop.

[See 55 & 56 Vict. c. 62. s. 3.]

30 (5.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

Holidays.

35 17. Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891, and substituting for any holiday herein-after mentioned another holiday or two half holidays, the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act shall be the whole of Christmas Day and of Good Friday, and of every bank holiday,
40 and unless any other holidays or half-holidays are so substituted,

Days to be observed as holidays in England and Wales.

A.D. 1895. — it shall not be necessary to affix in the factory or workshop any notice of the holidays or half-holidays to be observed, or to forward a copy of any such notice to the inspector of the district.

Accidents.

Notices of accidents.

18. For section thirty-one of the principal Act the following section shall be substituted, namely,—

(1.) Where there occurs in a factory or workshop any accident which either—

(a) causes loss of life to a person employed in the factory or in the workshop; or

(b) causes to any person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work, written notice shall forthwith be sent to the inspector for the district.

(2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power; or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion or escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon of the district.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace, or other factory or workshop, where the occupier is not the actual employer of the person killed or injured the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

(6.) This section shall apply to workshops conducted on the system of not employing any child, young person, or woman therein.

Inquests.

19. Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless an inspector or some person on behalf of a Secretary of State is present to watch

the proceedings, and shall at least four days before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest. A.D. 1895.
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Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

20.—(1.) Every occupier of a factory and workshop shall keep a register of accidents, and shall enter therein every accident occurring in the factory and workshop of which notice is required by the Factory Acts within one week after the occurrence of the accident, and this register shall be at all times open to inspection by the inspector and by the certifying surgeon for the district. Register of
accidents.

(2.) If any occupier of a factory or workshop makes default in complying with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

21.—(1.) Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the provisions of sections forty-five and forty-six of the Coal Mines Regulation Act, 1887, shall have effect, except that references to the said Act in the said section forty-five shall be construed as references to the Factory Acts. Power to
direct formal
investiga-
tion.

50 & 51 Vict.
c. 58.

(2.) This section shall apply to workshops conducted on the system of not employing any child, young person, or woman therein.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

22.—(1.) In any laundry carried on by way of trade, or for purpose of gain, the following provisions shall apply:— Application
of Factory
Acts to
laundries.

(i.) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for children, ten hours, for young persons, twelve hours, for women, fourteen hours, in any consecutive twenty-four hours; nor a total for children of thirty hours, for young persons and women of sixty hours, in any one week, in addition to such overtime as may be allowed in the case of women.

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- A.D. 1895. (ii.) A child or young person or woman shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.
- (iii.) Children, young persons, and women employed in laundries shall have allowed to them the same holidays as are allowed to children, young persons, and women employed in a factory or workshop under the Factories and Workshops Acts, 1878 to 1895.
- (iv.) So far as regards sanitary provisions, safety, accidents, the affixing of notices and abstracts and the matters to be specified in such notices (so far as they apply to laundries) notice of occupation of a factory or workshop, powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, and education of children, the Factory Acts shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop; and as if every occupier of a laundry were the occupier of a factory or of a workshop.
- (v.) The notice to be affixed in each laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day.
- (vi.) Sections seventeen and eighteen of the Act of 1891 shall apply to laundries in like manner as to factories or workshops.
- (2.) In the case of every laundry worked by steam, water, or other mechanical power—
- (a) a fan or other means of a proper construction shall be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry; and
 - (b) all stoves for heating irons shall be sufficiently separated from any ironing room, and gas irons emitting any noxious fumes shall not be used; and
 - (c) the floors shall be kept in good condition and drained in such manner as will allow the water to flow off freely.
- A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with the principal Act.
- (3.) Nothing in this section shall apply to any laundry in which the only persons employed are—
- (a) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than the Factory Acts; or

(b) inmates of an institution conducted in good faith for religious or charitable purposes; or

(c) members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.

5 (4.) The exception created by section fifty-three of the principal Act with respect to overtime shall apply to laundries.

Docks, &c.

23. The following provisions, namely :—

(i.) Section eighty-two of the principal Act ;

10 (ii.) The provisions of the Factory Acts with respect to accidents ;

(iii.) Section sixty-eight of the principal Act with respect to the powers of inspectors ;

.. (iv.) Sections eight to twelve of the Act of 1891 with respect to special rules for dangerous employment ; and

15 (v.) The provisions of this Act with respect to the power to make orders as to dangerous machines shall have effect as if—

(a) every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading, every vessel which is lying alongside of a wharf or quay ; and

20 (b) any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building,

were included in the word factory, and the purpose for which the
25 machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises ; and for the purpose of the enforcement of those sections the person having the actual use or
30 occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the master of a vessel, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

The provisions of this Act with respect to notice of accidents and
35 the formal investigation of accidents shall have effect as if—

(a) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding ; and

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(b) any building which exceeds thirty feet in height, and in which more than twenty persons not being domestic servants, are employed for wages ;
 were included in the word "factory," and as if, in the first case, the employer of the persons engaged in such construction or repair, 5
 and, in the second case, the occupier of the building, were the occupier of a factory.

Tenement Factories.

Substitution
 of owner of
 tenement
 factory
 for occupier
 for certain
 purposes.

24.--(1.) Where mechanical power is supplied to different parts of the same building occupied by different persons for the 10
 purpose of any manufacturing process or handicraft in such manner that those parts constitute in law separate factories, the owner (whether or not he is one of the persons so in occupation) of the building (which building is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the 15
 observance, and punishable for non-observance, of the following provisions, namely :

- (a.) Section three of the principal Act, with respect to the sanitary condition of a factory ; and
- (b.) Sections five and eighty-two of the principal Act, with 20
 respect to the fencing of machinery in a factory, except so far as those sections relate to such parts of the machinery as are supplied by the occupier ; and
- (c.) Save as herein-after provided, section nineteen of the principal Act, with respect to the notices to be affixed in a factory, and 25
 the matters to be specified therein ; and
- (d.) Section thirty-three of the principal Act, with respect to the limewashing and washing of the interior of a factory, so far as it relates to any engine house, passage, or staircase, or to any room which is let to more than one tenant ; and 30
- (e.) Section thirty-six of the principal Act, with respect to the removal of dust, so far as that section requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose, and except in textile 35
 factories ; and
- (f.) Section seventy-eight of the principal Act, with respect to the affixing of an abstract and notices.

(2.) Where different industries are carried on in the same tenement factory, the obligation to affix the notice required by section nineteen of the principal Act shall be on the occupier and 40
 not on the owner.

A.D. 1895.

(3.) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

5 (4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

10 (5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be)
15 to be served on or taken in relation to the owner.

(6.) For the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or "curtilage shall be treated as one building.

(7.) This section shall not apply in the case of any occupier
20 paying a rent in excess of two hundred pounds a year.

25.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the First Schedule to this Act.

Regulations
as to grind-
ing and
cutlery in
tenement
factory.

(2) In every such tenement factory it shall be the duty of the
25 owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding or cutlery is carried
30 on the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is any contravention of
35 this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

40 (5.) This section shall not apply to a textile factory.

26. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

Validity of
certificate of
fitness in
tenement
factory.

A.D. 1895.

Provisions
as to bake-
houses.*Bakehouses.*

27.—(1.) Sections thirty-four and thirty-five of the principal Act shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons shall be repealed. 5

(2.) In section fifteen of the Factory and Workshop Act, 1883, the words, "which was not so let or occupied before the first day of June, one thousand eight hundred and eighty-three," shall be repealed.

(3.) A place under ground shall not be used as a bakehouse unless 10 it is so used at the commencement of this Act, and if any place is so used in contravention of this Act it shall be deemed to be a workshop not kept in conformity with the principal Act.

*Special Restrictions as to Employment.*Power to
prohibit or
restrict em-
ployment in
dangerous
trade.

28. (1.) Section eight of the Act of 1891 shall extend to autho- 15 rise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, 20 or dangerous to life or limb. Provided that any special rules or requirements under this section which relates to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation. 25

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

*Special Provisions for Health.*Notification
of certain
diseases to
chief
inspector.

29.—(1.) Every medical practitioner attending on or called in to 30 visit a patient whom he believes to be suffering from lead, phosphorus, or arsenical poisoning, or anthrax, contracted in any factory or workshop shall (unless the notice required by this section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full 35 postal address of the patient and the disease from which in the opinion of the medical practitioner the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution 40 of the principal Act.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings. A.D. 1895.

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax occurring in a factory or workshop shall forthwith be sent to the inspector and to the certifying surgeon for the district; and sections thirty-one and thirty-two of the principal Act, and section twenty-two of the Act of 1891, shall apply to any such case in like manner as to any such accident as is in those sections mentioned.

(4.) The Secretary of State may by order made in accordance with section sixty-five of the principal Act apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

30.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences shall be provided for the use of the persons employed in any department where such substances are used. Lavatories in dangerous trades.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

31.—(1.) The Cotton Cloth Factories Act, 1889, shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and which is not for the time being subject to special rules under section eight of the Act of 1891, with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with section sixty-five of the principal Act may direct. Provisions as to humid factories.

(2.) In section nine of the Cotton Cloth Factories Act, 1889, the words “and the arrangements for such ventilation shall be kept in operation, subject, as far as possible, to the control of the persons employed therein,” shall be repealed.

32.—(1.) In every factory and workshop adequate measures shall be taken for securing and maintaining a reasonable temperature in each room in which any person is employed. Temperature in factories and workshops.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

33. Section thirty-six of the principal Act shall extend to any factory or workshop where any process is carried on by which Amendment of

A.D. 1895.

41 & 42 Vict.
c. 16. s. 36,
as to use
of fans.

Annual
returns of
persons em-
ployed.

[See 50 & 51
Vict. c. 58.
s. 33.]

any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent.

MISCELLANEOUS AMENDMENTS.

34. The occupier of every factory and workshop shall on or before the first day of March in every year send to the inspector 5 of the district on behalf of the Secretary of State a correct return specifying, with respect to the year ending on the preceding thirty-first day of December, the number of persons employed in the factory or workshop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in 10 default of complying with this section shall be liable to a fine not exceeding ten pounds.

Sanitary con-
veniences.
53 & 54 Vict.
c. 59.

35.—(1.) In every place where section twenty-two of the Public Health Acts Amendment Act 1890 is not in force every factory or workshop shall be provided with sufficient and suitable accom- 15 modation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are employed or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex. 20

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

Amendment
of 41 & 42
Vict. c. 16.
ss. 13 and 14
as to period
of employ-
ment.

36.—(1.) In the regulation numbered (1) in section thirteen of the principal Act, after the words “end at seven o’clock in the 25 evening,” shall be inserted the words “or begin at eight o’clock in “the morning and end at eight o’clock in the evening.”

(2.) In the regulation numbered (2) in the same section, after the words “two o’clock in the afternoon,” shall be inserted the words “or when it begins at seven o’clock in the morning, at three o’clock 30 “in the afternoon, or begin at eight o’clock in the morning and “end at four o’clock in the afternoon.”

(3.) If in a non-textile factory or workshop the period of employment of young persons and women is from eight o’clock in the morning to eight o’clock in the evening, then, subject to the 35 provisions of section fourteen of the principal Act, the period of employment of a child in a morning set may begin at eight o’clock in the morning, and in an afternoon set may end at eight o’clock in the evening, or on Saturday at four o’clock in the afternoon, and the period of employment of a child employed on the alternate 40

day system may begin at eight o'clock in the morning, and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon. A.D. 1895. —

37.—(1.) In section fifty-three of the principal Act—

5 For the words “the factories and workshops or parts thereof” shall be substituted the words “the non-textile factories and “workshops or parts thereof and warehouses”; and

Amendment of 41 & 42 Vict. c. 16. s. 52, and Third Schedule, Parts I. and III.

10 For the words “the factories and workshops and parts thereof” shall be substituted the words “the non-textile factories and “workshops and parts thereof and warehouses,”

wherever those words respectively occur in that section.

(2.) In Part Three of the Third Schedule to the principal Act, before the word “factories” shall be inserted the word “non-textile,” the words “and also” are hereby repealed, and for the 15 paragraph marked “(x.)” there shall be substituted the following paragraph, namely:

“The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which 20 persons are solely employed in polishing, cleaning, wrapping, or packing-up goods.”

38. Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight of that Act applies in three shifts of not more than eight hours each, 25 provided that there is an interval of two unemployed shifts between each two shifts of employment.

Amendment of 41 & 42 Vict. c. 16. s. 58 as to shifts.

39. The Secretary of State may by order made in accordance with section sixty-five of the principal Act direct, with respect to any class of factories or workshops, that different branches or 30 departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Factory Acts, be treated as if they were different factories or workshops.

Power to treat separate branches as separate factories.

40.—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to 35 compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done and also particulars of the work to which that rate is to be applied, as follows:—

Particulars respecting wages to be furnished in certain cases

40 (a.) The particulars of the rate of wages applicable to the work to be done by each weaver in the worsted and woollen, other than the hosiery trades shall be furnished to him in writing at the time when the work is given out to him, and shall also be [329.] C

A.D. 1895.

exhibited on a placard not containing any other matter, and posted in a position where it is easily legible; and the particulars of the rate of wages applicable to the work to be done by each worker other than such a weaver as aforesaid shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible: 10

(b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator), be furnished to him in writing at the time when the work is given out to him: 15

(c.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols:

(d.) Where an automatic indicator is used for ascertaining work, such indicator shall have marked upon its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller: 20

(e.) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator and a placard containing the particulars as to the rate of wages is exhibited in each room in pursuance of an agreement between employers and workmen and in conformity with the requirements of this section the exhibition thereof shall be a sufficient compliance with this section. 30

(2.) If the occupier fails to comply with the requirements of this section, or fraudently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine of not more than ten pounds, and, in case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section. 40

(3.) If anyone engaged as a worker in any factory or workshop, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in any factory to disclose such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) This section shall take effect instead of section twenty-four of the Act of 1891.

(6.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by order made in accordance with section sixty-five of the principal Act, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case.

41. Every person who is in occupation of a workshop at the commencement of this Act shall before the expiration of twelve months from the commencement of this Act, unless he has already done so in pursuance of section twenty-six of the Act of 1891, serve on the inspector for the district a written notice containing the name of the workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, and the name of the person or firm under which the business of the workshop is carried on, and in default shall be liable to a fine not exceeding five pounds. Any notice so served shall be forthwith forwarded to the sanitary authority of the district in which the workshop is situate.

Notice of existing workshops. [See 41 & 42 Vict. c. 16 s. 75; 54 & 55 Vict. c. 75 s. 26.]

42.—(1.) Every occupier of a factory or workshop to whom section twenty-seven of the Act of 1891 for the time being applies, and every contractor employed by any such occupier in the business of the factory or workshop, shall on or before the first day of March and the first day of September in each year send to the inspector for the district in which the factory or workshop is situate a list showing the names of all persons directly employed by him either as workmen or as contractors in the business of the factory or workshop outside the factory or workshop, and the places

Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of out-workers.

A.D. 1895. where they are employed, and in default of so doing shall be liable to a fine not exceeding forty shillings.

(2.) Section twenty-seven of the Act of 1891 and this section shall apply to any place from which any work of making wearing apparel for sale is given out, and to the occupier of that place, 5 and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

Evidence
as to failure
to limewash.
[See
41 & 42 Vict.
c. 16, s. 77.]

43. Failure to enter in the register kept in pursuance of section seventy-seven of the principal Act the prescribed particulars as to lime-washing shall be *prima facie* evidence of failure to observe the 10 requirements of the Factory Acts with respect to lime-washing.

Amendment
of 41 & 42
Vict. c. 16.
s. 66, and
54 & 55 Vict.
c. 75, s. 29.

44.—(1.) In section sixty-six of the principal Act the words “the inspector for the district” shall be substituted for the words “an inspector” wherever they occur in that section.

(2.) In section twenty-nine of the Act of 1891, the words 15 “the factory inspector for the district within which the offence is charged to have been committed” shall be substituted for the words “a factory inspector.”

Amend-
ment of
41 & 42 Vict.
c. 16, s. 68,
as to powers
of inspector.

45. Section sixty-eight of the principal Act shall have effect as if in the paragraph numbered (2), which empowers an inspector to 20 take with him a constable into a factory, the words “or workshop” were inserted after the word “factory.”

Special
inquiries and
re-examina-
tions by
certifying
surgeons.

46.—(1.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child, and any expense incurred by the Secretary 25 of State under this provision shall be defrayed as other expenses incurred by him in the execution of the Factory Acts.

(2.) The fees to be paid to certifying surgeons in cases where in pursuance of this section or of special rules under the Factory Acts they are required to examine the persons employed in 30 a factory or workshop shall be in accordance with the scale set forth in the Second Schedule to this Act or with such scale as may be substituted therefor by the Secretary of State.

(3.) Such fees shall, where the examination is in pursuance of this section, be paid by the Secretary of State, and where the 35 examination is in pursuance of special rules, be paid by the occupier of the factory or workshop.

Publication
of orders.

47. Every order made in accordance with section sixty-five of the principal Act shall be published in such manner as the Secretary of State thinks best adapted for the information of all 40 persons interested.

48. Any notice, order, requisition, summons, or document required or authorised by the Factory Acts to be served on the owner as defined by this Act of a factory or workshop, may be served by delivering the same or a true copy thereof to the agent of the owner as so defined. A.D. 1895.
Service of documents on owner.
49. A person charged with an offence under the Factory Acts may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witnesses. Competency of defendant to give evidence.
[See 57 & 58 Vict. c. 57, s. 57 (3).]
50. Where in pursuance of section eighty-seven of the principal Act some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding. Payment of costs by actual offender in lieu of occupier.
51. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel or solicitor, or law agent, prosecute, conduct, or defend before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector. Right of inspector to conduct proceedings before magistrates.
[Cf. 53 & 54 Vict. c. 21, s. 27.]
52. In the application of the Factory Acts to Ireland —
The expression “Public Health (Ireland) Act, 1874,” where it occurs in subsection eleven of section one hundred and six of the principal Act, and the expression “Public Health Act, 1875,” where it occurs in sections four and seven of the Act of 1891, shall be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same. Application to Ireland.
41 & 42 Vict. c. 52.
53. In this Act, unless the context otherwise requires—
(1.) The expression “the Factory Acts” means the Factory and Workshop Acts, 1878 to 1891, and this Act :
The expression “the principal Act” means the Factory and Workshop Act, 1878 :
The expression “the Act of 1891” means the Factory and Workshop Act, 1891 :
The expression “owner” has the meaning given to it by section four of the Public Health Act, 1875. Interpretation.
38 & 39 Vict. c. 55.
- (2.) References to any section of the Factory Acts shall be construed as references to that section as amended by subsequent enactments, including this Act.

A.D. 1895. **54.** The Acts mentioned in the Third Schedule to this Act are
Repeal. hereby repealed to the extent specified in the third column of that
schedule.

Commence- **55.** This Act shall come into operation on the first day of
ment of Act January one thousand eight hundred and ninety-six.

Short titles **56.** This Act may be cited as the Factory and Workshop Act,
and con- 1895, and shall be construed as one with the Factory and Workshop
struction. Acts, 1878 to 1891, and those Acts and this Act may be cited
collectively as the Factory and Workshop Acts, 1878 to 1895.

SCHEDULES.

A.D. 1895.

FIRST SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

- 5 (1.) Boards to fence the shafting and pulleys, locally known as drum boards shall be provided and kept in proper repair.
- (2.) Hand rails shall be fixed over the drums and kept in proper repair
- (3.) Belt guards, locally known as scotchmen, shall be provided and kept in proper repair.
- 10 (4.) Every floor which is constructed after the commencement of this Act shall be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences shall be provided for facilitating such removal.
- 15 (5.) Every grinding room or hull which is established after the commencement of this Act shall be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.
- 20 (6.) The sides of all drums in every grinding-room or hull shall be closely fenced.
- (7.) No grindstone shall be run before any fire place or in front of another grindstone.
- (8.) No grindstone erected after the commencement of this Act shall be run before any door or other entrance.
-

A.D. 1895.

SECOND SCHEDULE.

SCALE OF FEES TO CERTIFYING SURGEONS.

Under 10 hands					2s. 6d. per visit.	
" 20 "	-	-	-	-	3s.	"
" 30 "	-	-	-	-	3s. 6d.	" 5
" 50 "	-	-	-	-	4s.	"
" 75 "	-	-	-	-	4s. 6d.	"
" 100 "	-	-	-	-	5s.	"
Over 100 "	-	-	-	-	7s. 6d.	"

With the addition of 1s. for every mile or portion of a mile in excess of one 10 mile from the certifying surgeon's residence.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878.	Section forty-two. Part One of the Third Schedule. Part Three of the Third Schedule, from "and also" to "packing-up goods."	15
54 & 55 Vict. c. 75. -	The Factory and Workshop Act, 1891.	Sub-section one of section twenty-two, and section twenty four.	20
57 & 58 Vict. c. 28. -	The Notice of Accidents Act, 1894.	In paragraph (1) of the Schedule the word "gaswork" and the words "harbour, dock, port, pier, quay." Paragraph (2) of the Schedule.	25

Factories and Workshops.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE
ON TRADE]

To amend and extend the Law relating
to Factories and Workshops.

*(Prepared and brought in by
Mr. Secretary Asquith, Mr. George Russell,
and Mr. Sydney Buxton.)*

*Ordered, by The House of Commons, to be Printed,
1 July 1895.*

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[*Price 3d.*]

[Bill 329.]

A
B I L L

TO

Amend the Factory and Workshop Act, 1891.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** This Act may be cited as the Factory and Workshop Act, 1895. Short title.
- 2.** For section twenty-four of the Factory and Workshop Act, 1891, the following section shall be substituted, namely :—
- (1.) The occupier of every factory and workshop in which any person is, as a workman belonging to any of the classes mentioned
- 10 in the schedule to this Act, employed in the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made therefrom, and is paid by the piece, shall—
- 15 (a) exhibit in every room of the factory or workshop in which any such person is employed a list containing the particulars which affect the rate of wages payable for any piecework to be done by any such person in that room ; and
- (b) in the case of any piece of work to which that list does not
- 20 apply, furnish to every such person on giving out work to him a statement in writing containing the particulars which affect the rate of wages for that piece ; and
- (c) furnish to every such person on giving out work to him a correct statement in writing of all such particulars, if any, of
- 25 the work not ascertained by an automatic indicator as, together with the particulars so ascertained, are necessary to enable that person to compute the total amount of wages payable to him in respect of the piece according to the list, or to the statement of the rate of wages, as the case may be.

[Bill 78.]

Particulars to be supplied in case of payment by piece.

A.D. 1895. If the occupier of any factory or workshop fails to comply with the requirements of this section, or uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, he shall be liable for each offence to a fine of not more than *ten pounds*, and in case of a second or subsequent conviction within two 5 years from the last conviction for that offence not less than *one pound*.

Provided always that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object for 10 the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine of not more than *ten pounds*.

Provided also that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object 15 or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine of not more than *ten pounds*.

Commence-
ment of Act.

3. This Act shall come into force on the *first day of September* 20 *one thousand eight hundred and ninety-five*.

SCHEDULE.

A.D. 1895.

	Card and blowing room worker.
	Mule spinner.
	Ring spinner.
5	Winder or reeler.
	Mill warper.
	Beam warper.
	Taper, slasher, dresser, or sizer.
	Drawer or twister.
10	Weaver.

Factory and Workshop Act (1891) Amendment.

A

B I L L

To amend the Factory and Workshop
Act, 1891.

(Prepared and brought in by
*Sir Henry James, Mr. Mundella, and
Mr. Mowbray.*)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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[*Price ½d.*]

[Bill 78.]

Factory and Workshop Act, 1891, Amendment
(No. 2) Bill.

MEMORANDUM.

The object of this Bill is to extend the powers of inspectors over workshops.

A

B I L L

TO

Amend the Factory and Workshop Act of 1891.

A.D. 1895

WHEREAS it is expedient to amend the law relating to workshops:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Factory and Workshop Act, Short title.
1891, Amendment Act, 1895.

2. Sub-section (1) of section three and the whole of section four Repeal.
10 of the Factory and Workshop Act, 1891, are hereby repealed.

Factory and Workshop Act, 1891, Amendment (No. 2).

A

B I L L

To amend the Factory and Workshop
Act of 1891.

(*Prepared and brought in by*
Mr. Schumann, Dr. Clark, Mr. E. H. Bayley,
Mr. Howell, and Mr. Charles Fenwick.)

Ordered, by The House of Commons, to be Printed,
19 February 1895.

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30, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 128.]

A
B I L L

TO

Give powers to Parish Councils in Scotland to fix provisionally Holidays and Half-Holidays for Farm Servants in Scotland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. After *the passing of this Act* a parish council shall have power to appoint for farm servants working in the parish whole holidays not exceeding four in number, and half-holidays commencing at noon, and not exceeding fifty-two in number in any one year. Powers to parish council to appoint holidays and half-holidays for farm servants.
- Such appointment, if any, shall be made, and notice thereof shall
- 10 be published in the manner following :
- Such appointment shall be made at any meeting of the parish council held in the first *nine months* of any year commencing *the first day of January*, but shall not take effect until *the first day of January* next ensuing, and shall have effect from
- 15 such *first day of January* till the ensuing *thirty-first day of December*. When such appointment to be made.
When appointment to take effect.
2. The parish council shall give full and reasonable notice within the parish of the dates of such holidays and half-holidays so appointed within *four weeks* of such appointment in any or all
- 20 of the following ways, namely, by way of advertisement in a newspaper or newspapers circulating within the parish, or by way of printed or written bills circulated or posted or exhibited in or upon buildings or places of public resort therein, and such notice shall be continued at reasonable intervals for a period of not less than
- 25 *two months* from the period of the first publication of such notice. Notice of days so appointed to be published in the parish.
3. Any general contract, or condition in the contract, of hiring under which such farm servant shall serve, by which such servant shall be bound to work during the hours covered by such appointment
- [Bill 151.] General contracts to work on such days, void.

A.D. 1895.

Special con-
tracts for
special half-
holidays to
be good.

ment, shall be void, and non-service at such times shall not be deemed for any purpose to be a breach of the duty of such servant. Provided that a special agreement made by such servant to work on any one of such half-holidays for cash payment by way of payment for overtime shall be good, but such special agreement shall have reference to a special half-holiday, and shall not be good if it affects more than one such half-holiday. 5

Case of farm
servants
working in
more than
one parish.

4. In case the work of any farm servant shall lie in more than one parish, such servant shall be deemed for the purposes of this Act to work in the parish in which the dwelling place for the time being occupied by him shall be situated. 10

Definition.

5. The term farm servant shall, for the purposes of this Act, include any person engaged in farm service under any contract of hiring for any period exceeding *one month*.

Application
of Act.

6. This Act shall apply to Scotland.

15

Farm Servants' Holidays (Scotland).

A

B I L L

To give powers to Parish Councils in
Scotland to fix provisionally Holidays
and Half-Holidays for Farm Servants
in Scotland.

(Prepared and brought in by
Mr. Napier, Mr. Dalziel, Sir William
Wedderburn, Mr. Watson, Mr. Tennant,
Dr. Clark, Dr. Farquharson, Mr. Buchanan,
and Captain Sinclair.)

Ordered, by The House of Commons, to be Printed,
1 March 1895.

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30, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price ½d.]

[Bill 151.]

A
B I L L

TO

Provide for the better housing of Farm Servants on A.D. 1895.
Farms in Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :--

5 **1.** This Act may be cited as the Farm Servants Housing Short title.
(Scotland) Act, 1895.

2. In this Act the word "farm" shall mean any land used for Definitions,
agricultural or grazing purposes on which one or more farm
servants reside.

10 **3.** Every building on a farm used or intended to be used as a Provision as
dwelling or sleeping place for farm servants after the *passing of* to accom-
this Act shall be provided with sufficient and suitable accommoda- modation in
tion in the way of cubic contents, fireplaces, sanitary arrangements, dwellings
and fixtures, having regard to the number of persons inhabiting for farm
15 such building, and also where persons of both sexes inhabit or are servants,
intended to inhabit such building with proper separate accom-
modation for persons of each sex ; and it shall be lawful for the
local authority from time to time to make byelaws in respect to
the matters mentioned in this section, and to provide for the
20 observance of such byelaws, and to enforce the same.

Where it appears to the local authority on the report of the
medical officer of health that the provisions of this Act are not
complied with in the case of any building, the local authority shall,
by written notice to be given within one month after receiving
25 such report, require the landlord to make such alterations and
additions therein as may be required to give such sufficient,
suitable, and proper accommodation as aforesaid.

4. Any person who neglects or refuses to comply with any such Penalty for
notice shall be liable for each default to a penalty not exceeding non-com-
30 *five pounds*, and to a daily penalty not exceeding *twenty shillings*. pliance.

[Bill 42.]

A.D. 1895.

Procedure
on appeal.

5. Any person aggrieved by an order of the local authority may appeal against the same to the sheriff, and no work shall be done nor proceedings taken under any order until after the appeal is determined or ceases to be prosecuted, and the same procedure shall apply as on an appeal from the sheriff substitute to the sheriff. 5

Provided that—

(a.) Notice of appeal may be given within one month after notice of the order of the local authority has been served on such person; such notice of appeal to be given in writing to the sheriff clerk of the county, who shall transmit the same 10 to the sheriff and at the same time give intimation thereof to the local authority.

(b.) The court shall at the request of either party state the facts specially for the determination of the Inner House of the Court of Session, in which case the proceedings may be removed into 15 that court.

Procedure
in case of
buildings
unfit for
dwelling or
sleeping
houses.

6. If any person, with the written consent of two householders living in the district in which any building used or intended to be used as a dwelling or sleeping place for farm servants is situated, complains in writing to the medical officer of health of that district 20 that such building is in a condition which does not conform to the requirements of this Act and of the Housing of the Working Classes Act, 1890, he shall within *eight days* after receiving the complaint inspect the same and transmit to the local authority the said complaint, together with his opinion thereon, and if he is 25 of opinion that the building is in the condition aforesaid he shall represent the same to the local authority.

Construction
of Act.

7. This Act shall be construed as one with the Housing of the Working Classes Act, 1890.

Farm Servants (Scotland).

A

B I L L

To provide for the better housing of
Farm Servants on Farms in Scotland.

(*Prepared and brought in by*
Mr. Seymour Keay, Dr. Clark, Mr. Napier,
and Mr. Beith.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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and 90, West Nile Street, Glasgow; or
HODGERS, PIERCE, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 42.]

A

B I L L

TO

Make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland. A.D. 1895.
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Fatal Accidents Inquiry (Scotland) Act, 1895. Short title.

2. This Act shall extend to and include all cases of death of any person or persons engaged in any industrial employment or occupation in Scotland, from accident occurring in the course of such employment or occupation. Extent of Act.

3.—(1.) Upon the occurrence of any death to which this Act applies, the procurator-fiscal of the county or district in which the accident shall have taken place, shall, so soon as he receives information of the death or deaths, proceed to collect evidence thereanent, and shall also forthwith present to the sheriff a petition craving him to hold a public inquiry in regard to the cause or causes of the death or deaths, and the circumstances of the accident. Proceedings on occurrence of fatal accident.

(2.) If more deaths than one have resulted from the same accident, the petition and inquiry shall relate to the whole deaths which have resulted therefrom.

4.—(1.) Upon presentation of the petition, which shall narrate briefly the circumstances of the case so far as known to the procurator-fiscal, the sheriff shall pronounce an interlocutor directing that a public inquiry in regard to the death shall be held at a time to be specified in the interlocutor, being a time as soon as reasonably possible, in such court house within his jurisdiction as may be nearest to the place where the accident occurred, or, if

[Bill 143.]

A

A.D. 1895. special circumstances appear to him to make it expedient, in such other court house or other building as may be available and convenient, and shall grant warrant to cite witnesses and havers to attend at such inquiry, at the instance of the procurator-fiscal, and of all parties who may be entitled to appear as herein-after provided. 5

(2.) Intimation of the time and place of the inquiry shall be made by the sheriff clerk, so far as possible, by letter, posted or delivered, upon information as to their names and addresses being furnished to him by the procurator-fiscal, to the wife or husband, or to the nearest known relative, and to the employer, if any, of each person, who has lost his or her life in the accident. In the case of an accident in or about a mine, such intimation shall also be made to the inspector of mines for the district, and, in the case of an accident in a factory or workshop, to the inspector of factories and workshops for the district. The sheriff clerk shall also cause 15 intimation of the time and place of the inquiry to be made by advertisement in a newspaper circulating in the district, or if there be more than one such newspaper, then in two of them.

(3.) In the event of the Secretary for Scotland being satisfied that the sheriff is unable, owing to the pressure of official duty, to hold the inquiry at the time and place specified, the Secretary for Scotland may appoint a competent person, who shall possess the qualifications necessary for the office of sheriff-substitute, to hold the inquiry in his stead, and the person so appointed shall have all the powers of a sheriff under this Act, for the purposes of the said 25 inquiry.

(4.) The inquiry shall be by the sheriff and a jury, and the sheriff clerk shall cite seven common, and three special, jurors for each such inquiry, or, if more inquiries than one are appointed by the sheriff to be held on the same day, for all the inquiries to be held by him on that day. 30

(5.) The jury shall consist of five common and two special jurors, who shall be chosen from the list of persons cited as afore-said, in the manner prescribed by section forty-four of the Court of Session Act, 1868. 35

31 & 32 Vict.
c. 100.

(6.) The statutory provisions now in force in regard to challenges of jurors in civil and criminal cases in Scotland, shall not apply to inquiries under this Act, but any person interested in the inquiry may state to the sheriff any objection which he has to a person balloted to serve on the jury, and if the sheriff shall consider that sufficient 40 cause has been shown why such person should not so serve, he shall not allow the said person to serve upon the jury.

A.D. 1895.

(7.) The jury, after hearing the evidence and the summing-up thereof by the sheriff, if he shall consider such summing-up necessary or proper, shall return a verdict in writing, setting forth (so far as such particulars have been proved), when and where the death or deaths to which the inquiry relates took place, and the cause or causes of such death or deaths.

(8.) The jury may return a verdict by a majority of its number at any time not less than one hour after it has been enclosed.

(9.) Each juror empanelled at any inquiry under this Act shall be entitled to remuneration at the rate of *five shillings* for each day, or part of a day, during which he has served as a juror, and travelling expenses. Such remuneration shall be payable by the sheriff clerk, and shall be recoverable by him from the county council as a charge upon the general purposes rate, where the inquiry relates to a death which has taken place in a county, and from the burgh commissioners or other municipal authority of a burgh, as defined by the Burgh Police (Scotland) Act, 1892, as a charge upon the burgh general assessment, where the inquiry relates to a death which has taken place in a burgh.

(10.) The jury shall be cited by the sheriff clerk from the sheriff court jury book in the manner provided by statute for the citation of jurors in civil cases in Scotland, and the existing statutory provisions relative to fines for non-attendance of jurors, and to the swearing of jurors, shall apply to inquiries under this Act.

5.—(1.) At the inquiry, which shall be open to the public, the procurator-fiscal, or, in the event of his being unable to attend personally from any cause stated in open court, and held by the sheriff to be sufficient, his duly qualified depute, shall adduce evidence, including such medical or skilled evidence as he deems expedient, in regard to the cause or causes of the death or deaths, and the circumstances of the accident.

Procedure at inquiry.

(2.) It shall be competent to the sheriff, at, or at any time subsequent to, the presentation of such petition;—

(a) to grant warrant to officers of the law to take possession of, and to hold in safe custody, subject to the inspection of parties interested, any article or thing which it may be considered necessary to produce at the inquiry; and

(b) to inspect, either with or without the jury, or to grant warrant for the inspection by any person he may deem expedient, of any premises, machinery, or other thing the inspection of which is or may, in his opinion, be, material for the purposes of the inquiry.

A.D. 1895.

(3.) It shall be competent to the wife or husband, and to the relatives, and to the employer or employers, of any person who has lost his or her life in the accident, and in the case of an accident in or about a mine, to an inspector of mines, and in the case of an accident in a factory or workshop, to an inspector of factories and workshops, as also to any person or persons engaged under the same employers as such person, and to any other person or persons whom the sheriff may consider to have a just interest in the inquiry, to appear at, and take part in, and adduce evidence at, such inquiry, either by themselves or by counsel or agents, or by any other person or persons whom the sheriff may allow to appear on their behalf. 5 10

(4.) The evidence adduced at such inquiry shall be taken on oath, the witnesses shall be subject to cross-examination, and the inquiry shall be conducted as nearly as possible in accordance with the ordinary procedure in a trial by jury before the sheriff court. The evidence shall be taken down in writing to the dictation of the sheriff, and as he shall direct, either at length, or in shorthand, which shall afterwards be written out, and it shall in either case be duly authenticated as correct. 15 20

(5.) The verdict shall be recorded in the sheriff court books, and the procurator-fiscal shall obtain from the sheriff clerk a copy of the petition, as also the recorded evidence of the witnesses, or a copy thereof, and any reports or productions which may have been made in the course of the inquiry, or copies thereof, in so far as the same are in writing, and a copy of the verdict, and shall transmit the same, together with the usual schedule for the registrar of deaths, to the Crown agent. The sheriff clerk shall also transmit copies of the petition, and of the recorded evidence, and of any reports which may have been made, in the case of an accident in or about a mine, to the inspector of mines for the district, and in the case of an accident in a factory or workshop, to the inspector of factories and workshops for the district, and copies shall also be obtainable by any person having an interest in the inquiry, upon such reasonable payment to defray the cost thereof as the sheriff shall fix. 25 30 35

(6.) Every person attending such inquiry as a witness or haver on citation by the procurator-fiscal, shall be allowed such expenses as are paid to any person attending a criminal trial by jury in the sheriff court on such citation.

Saving.

6. Nothing in this Act contained shall alter or affect the existing law and practice relative to the duties of procurators-fiscal to inquire and report to the Crown agent in regard to cases of death from accident, other than those to which this Act applies, or relative to 40

any powers at present vested in the Lord Advocate to cause public inquiries to be held, or the existing law or practice with reference to criminal proceedings against any person or persons criminally responsible for any death.

A.D. 1895.

- 5 7. The provisions of the fifth sub-section of section thirty-three of the Factory and Workshop Act, 1891, are hereby repealed.

Repeal of sub-section 5 of section 33 of the Factory and Workshop Act, 1891, 54 & 55 Vict. c. 75.

8. In this Act, unless the context otherwise requires :—

The expression “sheriff clerk” shall include sheriff clerk depute;

- 10 The expression “procurator-fiscal” shall mean the procurator-fiscal of a county or of a district, and shall include the procurators-fiscal of the county of the city of Edinburgh, and of the city and burgh of Aberdeen;

The expression “county” shall extend to the limits within which the sheriff has jurisdiction, whether by statute or at common

- 15 law;

The expression “district” shall mean any part of a county for which a separate procurator-fiscal is appointed, and shall include any county or combination of counties, or parts of counties, for which one sheriff court and one procurator-fiscal

- 20 are appointed.

Interpretation.

Fatal Accidents Inquiry (Scotland).

A

B I L L

To make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland.

*(Prepared and brought in by
The Lord Advocate, Sir George Trevelyan,
and Mr. Solicitor-General for Scotland.)*

*Ordered, by The House of Commons, to be Printed,
28 February 1895.*

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[Price 1d.]

[Bill 143.]

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE (SCOTLAND)]

TO

Make provision for Public Inquiry in regard to Fatal A.D. 1895.
Accidents occurring in Industrial Employments or
Occupations in Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Fatal Accidents Inquiry (Scotland) Short title.
Act, 1895.

2. This Act shall extend to and include all cases of death of any Extent of
person or persons, whether employers or employed, engaged in any Act.
industrial employment or occupation in Scotland, due or reasonably
10 believed to be due to accident occurring in the course of such
employment or occupation.

3.—(1.) Upon the occurrence of any death to which this Act Proceedings
applies, the procurator-fiscal of the county or district in which on occur-
the accident shall have taken place, shall, so soon as he receives rence of fatal
information of the death or deaths, proceed to collect evidence accident.
thereanent, and shall also forthwith present to the sheriff a petition
15 craving him to hold a public inquiry in regard to the cause or
causes of the death or deaths, and the circumstances of the accident,
and shall also furnish to the sheriff clerk, so far as possible, by
20 letter posted or delivered, information as to the names and addresses
of the wife or husband, or of the nearest known relative, and of the
employer, if any, of each person who has lost his or her life in the
accident.

(2.) If more deaths than one have resulted from the same accident,
25 the petition and inquiry shall relate to the whole deaths which have
resulted therefrom.

[Bill 323.]

A

A.D. 1895.

Public
inquiry as to
accident.

4.—(1.) Upon presentation of the petition, which shall narrate briefly the circumstances of the case so far as known to the procurator-fiscal, the sheriff shall pronounce an order directing that a public inquiry in regard to the death shall be held at a time to be specified in the order, being a time as soon as reasonably possible, in such court house within his jurisdiction as may be nearest to the place where the accident occurred, or, if special circumstances appear to him to make it expedient, in such other court house or other building as may be available and convenient, and shall grant warrant to cite witnesses and havers to attend at such inquiry, at the instance of the procurator-fiscal, and of all parties who may be entitled to appear as herein-after provided. 5 10

(2.) Intimation of the time and place of the inquiry shall be made by the sheriff clerk, so far as possible, by letter, posted or delivered, upon information as to their names and addresses being furnished to him by the procurator-fiscal, to the wife or husband, or to the nearest known relative, and to the employer, if any, of each person, who has lost his life in the accident. In any case in which it is competent for any official or department of Her Majesty's Government to cause public inquiry to be made into the facts and circumstances of the accident under the provisions of any statute in force for the time being, then such intimation shall also be made to such official or department. The sheriff clerk shall also cause intimation of the time and place of the inquiry to be made by advertisement in a newspaper circulating in the district, or if there be more than one such newspaper, then in two of them. 15 20 25

(3.) In the event of the Secretary for Scotland being satisfied that the sheriff is unable, owing to the pressure of official duty or other cause which the Secretary for Scotland shall hold to be sufficient, to hold the inquiry, the Secretary for Scotland shall appoint a competent person, who shall possess the qualifications necessary for the office of sheriff-substitute, to hold the inquiry in his stead, and the person so appointed shall hold the inquiry and shall have all the powers of a sheriff under this Act, for the purposes of the said inquiry. 30 35

(4.) The inquiry shall be by the sheriff and a jury, and the sheriff clerk shall cite ten common, and five special, jurors for each such inquiry, or, if more inquiries than one are appointed by the sheriff to be held on the same day, for all the inquiries to be held by him on that day. 40

(5.) The jury shall consist of five common and two special jurors, who shall be chosen from the list of persons cited as afore-

said, in the manner prescribed by section forty-four of the Court of Session Act, 1868. A.D. 1895.

31 & 32 Vict.
c. 100.

(6.) The statutory provisions now in force in regard to challenges of jurors in civil and criminal cases in Scotland, shall not apply to
5 inquiries under this Act, but any person interested in the inquiry may state to the sheriff any objection which he has to a person balloted to serve on the jury, and if the sheriff shall consider that sufficient cause has been shown why such person should not so serve, he shall not allow the said person to serve upon the jury. Provided that in
10 an inquiry into the death of a person under this Act, neither the employer or employers of such person, nor any person or persons engaged under the same employers as such person shall be jurors.

(7.) The jury, after hearing the evidence, and the persons appearing thereon if they so desire, and the summing-up thereof
15 by the sheriff, if he shall consider such summing-up necessary or proper, shall return a verdict setting forth (so far as such particulars have been proved) when and where the accident and the death or deaths to which the inquiry relates took place, and the cause or causes of such death or deaths.

(8.) The jury may return a verdict by a majority of its number at any time not less than one hour after it has been enclosed.

(9.) Each juror empanelled at any inquiry under this Act shall be entitled to remuneration at the rate of five shillings for each day, or part of a day, during which he has served as a juror, and
25 travelling expenses. Such remuneration shall be payable by the sheriff clerk, and shall be recoverable by him from the county council as a charge upon the general purposes rate, where the inquiry relates to a death from an accident which has taken place in a county, including any police burgh therein, and from the burgh
30 commissioners or other municipal authority of a Royal or Parliamentary burgh, as a charge upon the burgh general assessment, or, where there is no burgh general assessment, upon the police assessment where the inquiry relates to a death from an accident which has taken place in a burgh.

(10.) The jury shall be cited by the sheriff clerk from the sheriff court jury book in the manner provided by statute for the citation of jurors in civil cases in Scotland, and the existing statutory provisions relative to fines for non-attendance of jurors, and to the swearing of jurors, shall apply to inquiries under this Act.

5.-(1.) At the inquiry, which shall be open to the public, the procurator-fiscal, or, in the event of his being unable to attend
personally from any cause stated in open court, and held by the sheriff to be sufficient, his duly qualified depute, shall adduce

Procedure at
inquiry

A.D. 1895.

evidence, including such medical or skilled evidence as he deems expedient, in regard to the cause or causes of the death or deaths, and the circumstances of the accident.

(2.) It shall be competent to the sheriff, at, or at any time subsequent to, the presentation of such petition :—

5

(a) to grant warrant to officers of the law to take possession of, and to hold in safe custody, subject to the inspection of parties interested, any article or thing which it may be considered necessary to produce at the inquiry; and

(b) to inspect, either with or without the jury, or to grant warrant for the inspection by any person he may deem expedient, of any premises, machinery, or other thing the inspection of which is or may, in his opinion, be, material for the purposes of the inquiry.

10

(3.) It shall be competent to the wife or husband, and to the relatives, and to the employer or employers, of any person who has lost his life in the accident, and in the case of an accident in or about a mine, to an inspector of mines, and in the case of an accident in a factory or workshop, to an inspector of factories and workshops, as also to any person or persons engaged under the same employers as such person, and to any other person or persons whom the sheriff may consider to have a just interest in the inquiry, to appear at, and take part in, and adduce evidence at, such inquiry, either by themselves or by counsel or agents, or by any other person or persons whom the sheriff may allow to appear on their behalf.

20

25

(4.) The evidence adduced at such inquiry shall be taken on oath, the witnesses shall be subject to cross-examination, and the inquiry shall be conducted as nearly as possible in accordance with the ordinary procedure in a trial by jury before the sheriff court. Provided that the examination of any person as a witness or haver at such inquiry shall not be a bar to criminal proceedings being afterwards taken against such person. Provided further, that no witness at such inquiry shall be compellable to answer any question tending to show that he is guilty of any crime or offence. The evidence shall be taken down in writing under the control and supervision of the sheriff, and as he shall direct, either at length or in shorthand, which shall afterwards be written out, and it shall in either case be duly authenticated as correct.

35

(5.) The verdict shall be recorded in the sheriff court books, and the procurator-fiscal shall obtain from the sheriff clerk a copy of the petition, as also the recorded evidence of the witnesses, or a copy thereof, and any reports or productions which may have been made in the course of the inquiry, or copies thereof, in so far as the

40

A.D. 1895.

same are in writing, and a copy of the verdict, and shall transmit the same, together with the usual schedule for the registrar of deaths, to the Crown agent. The sheriff clerk shall also transmit copies of the petition, and of the recorded evidence, and of any reports
5 which may have been made, in the case of an accident in or about a mine, to the inspector of mines for the district, and in the case of an accident in a factory or workshop, to the inspector of factories and workshops for the district, and copies shall also be obtainable by any person having an interest in the inquiry, upon such reason-
10 able payment to defray the cost thereof as the sheriff shall fix.

(6.) Every person attending such inquiry as a witness or haver on citation by the procurator-fiscal, shall be allowed such expenses as are paid to any person attending a criminal trial by jury in the sheriff court on such citation.

15 **6.** Nothing in this Act contained shall alter or affect the existing law and practice relative to the duties of procurators-fiscal to inquire and report to the Crown agent in regard to cases of death from accident, or relative to any powers at present vested in the Lord
20 Advocate to cause public inquiries to be held, or the existing law or practice with reference to criminal proceedings against any person or persons criminally responsible for any death, nor shall the verdict returned at an inquiry under this Act be competent to be given in evidence or to be founded on in any subsequent judicial proceeding, civil or criminal, arising out of the same accident.

25 **7.** In this Act, unless the context otherwise requires :—

Interpreta-
tion.

“Industrial employment or occupation” shall mean employment or occupation for, or in the performance of any manual labour, or the superintendence of any such labour, or the working, management, or superintendence of machinery or other
30 appliances, or animals used in the prosecution of any work ;

The expression “sheriff clerk” shall include sheriff clerk depute ;

The expression “procurator-fiscal” shall mean the procurator-fiscal of a county or of a district, and shall include the procurators-fiscal of the county of the city of Edinburgh, and of
35 the city and burgh of Aberdeen ;

The expression “county” shall extend to the limits within which the sheriff has jurisdiction, whether by statute or at common law ;

The expression “district” shall mean any part of a county for
40 which a separate procurator-fiscal is appointed, and shall include any county or combination of counties, or parts of counties, for which one sheriff court and one procurator-fiscal are appointed.

Fatal Accidents Inquiry (Scotland).

A

B I L L

[AS AMENDED BY THE STANDING
COMMITTEE (SCOTLAND)]

To make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland.

*(Prepared and brought in by
The Lord Advocate, Sir George Trevelyan,
and Mr. Solicitor-General for Scotland);*

*Ordered, by The House of Commons, to be Printed,
24 June 1895.*

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50, West Nile Street, Glasgow; or
HODGKINS, FEGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 323.]

Finance Bill.

ARRANGEMENT OF CLAUSES.

PART I.

CUSTOMS AND EXCISE.

Clause.

1. Duty on tea.
 2. Addition to customs duties on special kinds of beer.
 3. Addition to customs duty on all other beer.
 4. Addition to excise duty on beer.
 5. Addition to excise drawback on beer.
 6. Regulations for and allowance on exportation of methylated spirits.
 7. Extension of 39 & 40 Vict. c. 36. s. 119 as to time for payment of drawback to other allowances and drawbacks.
 8. Amendment of 43 & 44 Vict. c. 24. ss. 74 and 95 as to removal of spirits for exportation or ship's stores.
-

PART II.

STAMPS.

9. Repeal of an exemption from stamp duty on receipts.
10. Repeal of stamp duty on M.D. degree in Scotland.
11. Reduction of duty on powers of attorney for transfer of small sums of Government stock.
12. Collection of stamp duty in cases of property vested by Act or purchased under statutory power.
13. Extension of 54 & 55 Vict. c. 39. s. 98 to policies of insurance for sickness.
14. Amendment of 54 & 55 Vict. c. 39. as to the payment of stamp duty on certain foreign securities.
15. Abolition of limit of time for mitigating penalties under 54 & 55 Vict. c. 39. s. 15.

[Bill 240.]

Clause.

16. Extension to companies of 46 & 47 Vict. c. 52. s. 144 as to exemption from stamp duty.
-

PART III.

INCOME TAX.

17. Grant of duty of income tax, and application of Acts.
18. Assessment of income tax under Schedules A. and B., and of the inhabited house duty for the year 1895-6.
-

PART IV.

MISCELLANEOUS.

19. Repeal.
20. Short title.

SCHEDULE.

A
B I L L

TO

Grant certain Duties of Customs and Inland Revenue, to A.D. 1895.
repeal and alter other Duties, and to amend the Law
relating to Customs and Inland Revenue and to make
Provision for the Financial Arrangements of the Year.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Com-
mons of the United Kingdom of Great Britain and Ireland in
Parliament assembled, towards raising the necessary supplies to
5 defray Your Majesty's public expenses, and making an addition to
the public revenue, have freely and voluntarily resolved to give and
grant unto Your Majesty the several duties herein-after mentioned;
and do therefore most humbly beseech Your Majesty that it may be
enacted, and be it enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:

PART I.

CUSTOMS AND EXCISE.

15 1. The duty of customs now payable on tea shall continue to be Duty on tea.
charged, levied, and paid, on and after the first day of August one
thousand eight hundred and ninety-five until the first day of August
one thousand eight hundred and ninety-six, on the importation
thereof into Great Britain or Ireland (that is to say):—

20 Tea, the pound - - - - - *Fourpence.*

2:—(1.) In addition to the duties of customs payable on and
after the first day of July one thousand eight hundred and ninety-
five, on beer of the descriptions called mum, spruce, or black beer,
imported into Great Britain or Ireland, there shall be charged, Addition
to customs
duties on
special kinds
of beer.
25 levied, and paid, on and after the said first day of July until the *first*
[Bill 240.] A

A.D. 1895. *day of July one thousand eight hundred and ninety-six*, the duties following (that is to say):—

£ s. d.

For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity— 5

Not exceeding one thousand two hundred and fifteen degrees - - - - - 0 2 0

Exceeding one thousand two hundred and fifteen degrees - - - - - 0 2 4 10

(2.) This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

Addition to customs duty on all other beer.

3. In addition to the duties of customs payable on and after the first day of July one thousand eight hundred and ninety-five, 15 on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged, levied, and paid, on and after the said first day of July until the first day of July one thousand eight hundred and ninety-six, the duty following (that is to say):— 20

£ s. d.

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees - - - - - 0 0 6

and there shall be allowed and paid in and for the same period in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the Isle of Man, by section four of the Customs and Inland Revenue Act, 1881. And so, as to both duty and drawback, in proportion for any difference in gravity. 30

44 & 45 Vict. c. 12.

Addition to excise duty on beer.

4. In addition to the duty of excise payable on and after the first day of July one thousand eight hundred and ninety-five in respect of beer brewed in the United Kingdom, there shall be charged, levied, and paid, on and after that day until the first day of July one thousand eight hundred and ninety-six— 35

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees, the duty of *sixpence*, and so in proportion for any difference in quantity or gravity.

Addition to excise drawback on beer.

5. In addition to the drawback of excise otherwise payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores, there shall be allowed and paid 40 in respect of beer brewed in the United Kingdom between the

thirtieth day of June *one thousand eight hundred and ninety-five* and the first day of July *one thousand eight hundred and ninety-six*— A.D. 1895.

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees, the drawback of *sixpence*,
 5 and so in proportion for any difference in quantity or gravity.

6. Regulations of the Commissioners of Inland Revenue, under section one hundred and fifty-nine of the Spirits Act, 1880, may regulate the removal for exportation of methylated spirits, and where spirits used for methylation are removed from a place
 10 of methylation and exported in accordance with those regulations, there shall be paid to the exporter an allowance of *twopence* for every gallon of such spirits, computed at hydrometer proof, and subsection three of section three of the Customs and Inland Revenue Act 1885 shall apply, as if the spirits were exported and
 15 the allowance made in pursuance of that section.

7. After the *thirty-first* day of *December one thousand eight hundred and ninety-five*, section one hundred and nineteen of the Customs Consolidation Act, 1876 (which limits the time for the payment of a drawback on the exportation of goods), shall extend
 20 to the payment of any allowance in respect of spirits exported, used, or deposited, which is payable under section three of the Customs and Inland Revenue Act, 1885, as amended by section twenty-one of the Revenue Act, 1889, and to an allowance in respect of methylated spirits exported which is payable under this
 25 Act, and to the payment of any drawback of excise which is allowed on the exportation of any goods, in like manner as if it were in terms made applicable thereto, and the date of user or deposit were the date of shipment.

8. Spirits to which any sweetening or colouring matter or any
 30 other ingredient has been added in warehouse, and spirits warehoused by a rectifier of spirits for exportation or ship's stores, and British liqueurs, may, if bottled and packed in cases when delivered from a warehouse, be removed, notwithstanding anything in sections seventy-four and ninety-five of the Spirits Act 1880, to another
 35 warehouse for exportation or ship's stores.

Regulations for and allowance on exportation of methylated spirits.

43 & 44 Vict. c. 24.

48 & 49 Vict. c. 51.

Extension of 39 & 40 Vict. c. 36. s. 119. as to time for payment of drawbacks to other allowances and drawbacks.

48 & 49 Vict. c. 51.

52 & 53 Vict. c. 42.

Amendment of 43 & 44 Vict. c. 24. ss. 74 and 95 as to removal of spirits for exportation or ship's stores.

A.D. 1895.

PART II.

STAMPS.

Repeal of an exemption from stamp duty on receipts. 54 & 55 Vict. c. 39.

9.—(1.) Exemption numbered eight under the head “Receipt” in the First Schedule to the Stamp Act, 1891, is hereby repealed and the duty shall be charged as if the exemption had not been 5 contained in that schedule; provided that neither the name of a banker (whether accompanied by words of receipt or not) written in the ordinary course of his business as a banker upon a bill of exchange or promissory note duly stamped nor the name of the payee written upon a draft or order, if payable to order, shall 10 constitute a receipt chargeable with stamp duty.

(2.) This section shall take effect as from the *first day of July one thousand eight hundred and ninety-five*.

Repeal of stamp duty on M.D. degree in Scotland. 54 & 55 Vict. c. 39.

10. The duty imposed by the Stamp Act, 1891, upon the admission of any person to the degree of doctor of medicine in either of the 15 universities in Scotland, shall cease to be payable.

Reduction of stamp duty on powers of attorney for transfer of small sums of Government stock.

11. The stamp duty on a letter or power of attorney for the sale, transfer, or acceptance of any government or parliamentary stocks or funds shall be— s. d.

Where the nominal amount of the stocks or funds does	20
not exceed 100 <i>l</i> .	- - - - - 2 6

Collection of stamp duty in cases of property vested by Act or purchased under statutory power.

12. Where after the passing of this Act, by virtue of any Act, whether passed before or after this Act, either—

(a) any property is vested by way of sale in any person; or

(b) any person is authorised to purchase property;

such person shall within *three months* after the passing of the Act, or the date of vesting, whichever is later, or after the completion of the purchase, as the case may be, produce to the Commissioners of Inland Revenue a copy of the Act printed by the Queen’s printer of Acts of Parliament or some instrument relating to the 30 vesting in the first case, and an instrument of conveyance of the property in the other case, duly stamped with the ad valorem duty payable upon a conveyance on sale of the property; and in default of such production, the duty with interest thereon at the rate of five per cent per annum from the passing of the Act, 35 date of vesting, or completion of the purchase, as the case may be, shall be a debt to Her Majesty from such person.

Extension of 54 & 55 Vict. c. 39. s. 98 to policies of insurance for sickness.

13. Whereas section ninety-eight of the Stamp Act, 1891, provides that “a policy of insurance against accident” includes a notice or advertisement in a newspaper or other publication 40 which purports to insure the payment of money upon the death,

A.D. 1895.

of or injury to the holder or bearer of the newspaper or publication from accident, and doubts have arisen as to the like notices or advertisements in other cases, it is hereby for the removal of doubts declared that "a policy of insurance for any payment agreed
5 " to be made during the sickness of any person or his incapacity " from personal injury " within the meaning of the Stamp Act, 1891, includes a notice or advertisement in a newspaper or other publication which purports to insure such payment.

14. Where foreign securities within the meaning of sections
10 eighty-two and eighty-three of the Stamp Act, 1891, are issued in the United Kingdom, and the interest thereon is not payable in the United Kingdom, and such evidence of the amount of the securities as the Commissioners of Inland Revenue require is produced to them, then the Commissioners, if in their discretion they
15 consider it expedient to do so, may accept payment of the amount of stamp duty which would be payable if all the said securities were duly stamped, and on such payment may dispense with the necessity of the securities being stamped. The Commissioners shall give notice in the "London Gazette" of any such dispensation.

Amendment of 54 & 55 Vict. c. 39. as to the payment of stamp duty on certain foreign securities.

20 15. So much of section fifteen of the Stamp Act, 1891, as limits the time within which the Commissioners of Inland Revenue may mitigate or remit any penalty payable on stamping shall be repealed.

Abolition of limit of time for mitigating penalties under 54 & 55 Vict. c. 39. s. 15.

16. Section one hundred and forty-four of the Bankruptcy Act,
25 1883 (which exempts from stamp duty certain documents relating to the estates of bankrupts and to bankruptcies), shall apply to the estates of companies wound up by order of the Court under the Companies Winding-up Act, 1890 and to such winding up, in like manner as if the company were a bankrupt and the winding up were
30 a bankruptcy; and proceedings under section fifteen of the latter Act shall for this purpose be part of the proceedings in the winding up.

Extension to companies of 46 & 47 Vict. c. 52. s. 144 as to exemption from stamp duty. 53 & 54 Vict. c. 63.

PART III.

INCOME TAX.

17.—(1.) There shall be charged, levied, and paid for the
35 year which began on the sixth day of April *one thousand eight*

Grant of duty of income tax, and

A.D. 1895.

application
of Acts.16 & 17 Vict.
c. 34.

hundred and ninety-five, in respect of all property profits and gains respectively described or comprised in the several Schedules A., B., C., D., and E. in the Income Tax Act, 1853, the following duties of income tax (that is to say) :—

For every twenty shillings of the annual value or amount of property profits and gains chargeable under the said Schedules A., C., D., or E., the duty of *eightpence*; and

For every twenty shillings of the annual value of the occupation of lands tenements hereditaments and heritages chargeable under the said Schedule B., the duty of *threepence*. 5 10

(2.) All such enactments relating to income tax as were in force on the fifth day of April *one thousand eight hundred and ninety-five* shall have full force and effect with respect to the duties of income tax hereby granted, so far as those enactments are consistent with this Act. 15

Assessment
of income tax
under
Schedules A.
and B., and
of the
inhabited
house duty
for the year
1895-6.

16 & 17 Vict.
c. 34.

18.—(1.) The annual value of any property which has been adopted for the purpose of income tax under Schedules A. and B. in the Income Tax Act, 1853, or for the purpose of inhabited house duty during the year which began on the sixth day of April one thousand eight hundred and ninety-four, shall be taken as the annual value of such property for the same purpose during the year which began on the sixth day of April *one thousand eight hundred and ninety-five*: Provided that this section— 20

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the *twenty-fifth day of May* for the sixth day of April; and 25

32 & 33 Vict.
c. 67.

(b) shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869. 30

(2.) The inspectors or surveyors of taxes shall be the assessors of the income tax under the said Schedules A. and B., and of the house duty. 30

PART IV.

MISCELLANEOUS.

Repeal.

19. The Act mentioned in the schedule to this Act is hereby repealed, to the extent in the third column of that schedule mentioned. 35

Short title.

20. This Act may be cited as the Finance Act, 1895.

SCHEDULE.

A.D. 1895.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 39. -	The Stamp Act, 1891 -	In section fifteen, the words "at " any time within three " months after the first " execution of any instru- " ment"; in the Schedule, under the head " Admission " from " admission of any per- " son to the degree " down to " sections 18 and 19," where they next occur, and under the head " Receipt " from " receipt written upon a bill " of exchange " down to " Accountant-General of the " Navy."

Finance.

A

B I L L

To grant certain Duties of Customs and Inland Revenue, to repeal and alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make provision for the Financial arrangements of the Year.

(Prepared and brought in by
Mr. Mellor, Mr. Chancellor of the Exchequer,
and Sir John Hibbert.)

Ordered, by The House of Commons, to be Printed,
13 May 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
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90, West Nile Street, Glasgow; or
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[Price 1½d.]

[Bill 240.]

Fires (False Alarms) Bill.

MEMORANDUM.

Great inconvenience as well as loss of time and expense is frequently incurred by the officers and men of fire brigades in towns and parishes outside of London by the practice of giving false alarms of fire.

The object of this Bill is simply to extend to the provinces the protection afforded to the Metropolitan Fire Brigade authorities by section 16 of the Council's General Powers Act, 1893.

This clause is here reproduced with no other alteration than that as to the area affected by the Bill.

A

B I L L

TO

Prohibit the giving False Alarms of Fires.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Any person giving a false alarm of fire to the fire brigade of
5 any town or parish outside the metropolitan area or to any officer thereof, whether by means of a street fire alarm or otherwise, shall be deemed guilty of an offence punishable on summary conviction, and shall, on conviction for such offence by a court of summary jurisdiction, be liable for every such offence to a penalty not
10 exceeding *twenty pounds*.

False alarms
of fire.

2. This Act may be cited as the False Alarms of Fire Act,
1895.

Short title.

3. This Act shall come into operation from the day of the *passing*
15 *thereof*.

Commence-
ment of Act.

Fires (False Alarms).

A

B I L L

To prohibit the giving False Alarms of
Fires.

(Prepared and brought in by
Mr. Conyngham, Sir James Joyce,
Mr. David Thomas, Mr. W. F. D. Smith,
Mr. E. H. Bayley, Mr. John Charles Williams,
and Mr. J. H. Wilson.)

Ordered, by The House of Commons, to be Printed,
25 April 1895.

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[*Price 1d.*]

[Bill 217.]

Fisheries Acts Amendment Bill.

ARRANGEMENT OF CLAUSES.

PART I.

SEA FISHERIES.

Clause.

1. Prohibition of sale, &c. of under-sized flat fish.
 2. Powers of search and detention.
 3. Area for exercise of powers of fishery officer.
 4. Definitions.
 5. Collective title.
-

PART II.

SALMON AND FRESHWATER FISHERIES.

6. Power to form fishery districts in Norfolk and Suffolk.
 7. Provisions as to powers of water bailiff.
 8. Explanation and amendment of law as to fish passes.
 9. Power to make byelaws as to sluices.
 10. Miscellaneous amendments of 36 & 37 Vict. c. 71.
 11. Short title.
-

PART III.

GENERAL.

12. Collective title.
- SCHEDULE.
-

A
B I L L

TO

Amend the Fisheries Acts.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

PART I.

SEA FISHERIES.

1.—(1.) No person shall import, export, buy, sell, expose for sale, consign for sale, or have in his possession for sale—

Prohibition
of sale, &c.
of under-
sized flat
fish.

10

(a) any sole or plaice not exceeding eight inches in length; or

(b) any turbot or brill not exceeding ten inches in length.

[See
40 & 41 Vict.
c. 42. s. 8.]

(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding *two* pounds for the first offence, and *ten* pounds for any subsequent offence, and to forfeit all fish in his possession in contravention of this section.

15

2.—(1.) Any of the following persons, namely,—

Powers of
search and
detention.
[See
55 & 56 Vict.
c. 50. s. 3.]

(a.) Any officer of customs at any place where fish to which this Part of this Act applies, may be imported or brought for exportation;

20

(b.) Any officer appointed for the purpose by the Board of Trade;

(c.) Any fishery officer of a local fisheries committee within the local limits of his powers;

(d.) Any water bailiff of a board of conservators within the local limits of his powers;

25

(e.) With reference to any market under the control of the council of any city, borough, or district, any officer appointed for the purpose by the council;

[Bill 186.]

A 2

A.D. 1895.

(f.) In Scotland, any officer of the Fishery Board for Scotland;

(g.) In Ireland, any person appointed for the purpose by the inspectors of Irish fisheries.

may detain or open any package consigned or sent by any carrier, or brought to any place to be so consigned or sent, and suspected 5 to contain sole, plaice, turbot, or brill, and may search for and detain any fish the sale whereof is prohibited by this Act, and in the event of any such fish being or becoming unfit for human food may destroy the same.

(2.) If any person impedes or obstructs any person in the exercise 10 of the powers conferred by this section, he shall be liable on summary conviction to a fine not exceeding *five pounds*.

Area for exercise of powers of fishery officer.
[See 51 & 52 Vict. c. 54. ss. 1, 6.]

3. The local limits within which a fishery officer of a local fisheries committee may exercise his powers shall include the area defined as chargeable with any expenses of the local fisheries 15 committee.

Definitions.
[See 55 & 56 Vict. c. 50. s. 6.]

4. In this Part of this Act—

The expression “sole” shall mean common sole, and shall not include lemon sole.

The expression “package” shall include any box, basket, barrel, 20 case, receptacle, sack, bag, wrapper, or other thing in which fish is placed for the purpose of carriage, consignment, or exportation.

Collective title.

5. The Acts mentioned in the Schedule to this Act may, together with this Part of this Act, be cited as the Sea Fisheries Acts, 1843 25 to 1895, and so much of the Schedule to the Short Titles Act, 1892, as relates to the Sea Fisheries Acts, 1843 to 1891, shall be repealed.

PART II.

SALMON AND FRESHWATER FISHERIES.

Power to form fishery districts in Norfolk and Suffolk.

6.—(1.) The Board of Trade may, if they think fit, by certificate 30 form into any fishery district or districts, or add to any existing or future district, all or any part of the River Great Ouse and its

tributaries, and of the rivers and streams which flow into the sea north of Landguard Point and south of the coastguard station of Covehithe, both in the county of Suffolk, together with such waters estuaries, and portions of the coast and sea as may be declared by any
 5 such certificate to belong to any district formed or enlarged thereby, and may by any such certificate fix the number of conservators to be appointed as a board, and the number of members of the board to be appointed by each county in the district, and make such other arrangements as may seem to the Board of Trade
 10 necessary or proper in connection with the formation or enlargement of the district.

A.D. 1895.

[See
54 & 55 Vict.
c. 37. s. 12.]

(2.) On the issue of a certificate under this section, the provisions of the Norfolk and Suffolk Fisheries Act, 1877, and of section eight of the Freshwater Fisheries Act, 1884, shall cease to apply within
 15 the district formed or enlarged by the certificate, and the provisions of the Salmon and Freshwater Fisheries Acts, 1861 to 1892, shall apply therein as if no part of the district were included in the counties of Norfolk and Suffolk, and the district so formed or enlarged shall for all purposes be deemed to be a district formed
 20 under the provisions of the said Salmon and Freshwater Fisheries Acts.

40 & 41 Vict.
c. 98.47 & 48 Vict.
c. 11.

(3.) Any byelaws made under the Salmon and Freshwater Fisheries Acts, 1861 to 1892, or any of them, or under the Norfolk and Suffolk Fisheries Act, 1877, and in force within any area
 25 formed into or added to a fishery district by any such certificate at the date of the issue thereof, shall, notwithstanding any limitation of time for the continuance of any such byelaw, continue to be in force within that area until repealed by the board of conservators of the district so formed or enlarged, and that board may, if it
 30 thinks fit, repeal any such byelaws in manner provided for the repeal of byelaws made under the Freshwater Fisheries Act, 1884.

47 & 48 Vict.
c. 11.

7.—(1.) The local limits within which a water bailiff of a board of conservators may exercise his powers are hereby declared to include the area of the catchment basin of any river formed into
 35 or included in the fishery district of his board, except any such portion of the river as may have been expressly excluded from the district by the certificate forming the district.

Provisions
as to powers
of water
bailiff.

(2.) In section thirty-six of the Salmon Fishery Act, 1873 (relating to the powers of a water bailiff), for the word "produc-
 40 tion" shall be substituted the word "possession."

36 & 37 Vict.
c. 71.

8. (1.) The power conferred by the Salmon and Freshwater Fisheries Acts, 1861 to 1892, to attach a fish pass to a dam is hereby

Explanation
and amend-

A.D. 1895.
ment of law
as to fish
passes.

declared to include the power of making a fish pass for the purpose of enabling fish to pass a dam, whether the fish pass is to be physically attached to the dam or not.

(2.) Where the Board of Trade approve any matter relating to the providing of a fish pass, grating, or means for preventing the ingress of salmon into streams, the Board of Trade may determine all matters connected with the design, construction, and position of the fish pass, grating, or means, and of any works incidental thereto.

(3.) The Board of Trade may approve more than one fish pass for any dam, but the owner or occupier of any dam shall not be required to erect more than one fish pass thereat.

24 & 25 Vict.
c. 109.

(4.) A fish pass approved after the *passing of this Act* shall not be deemed to be a fish pass within the meaning of section twelve of the Salmon Fishery Act, 1861, unless it is described in the certificate approving the same as having been approved under that section.

Power
to make
byelaws as
to sluices.

24 & 25 Vict.
c. 109.

9. The power to make byelaws given to boards of conservators by section thirty-nine of the Salmon Fishery Act, 1873, shall include a power for a board of conservators in any case in which in the opinion of the board section twenty-six of the Salmon Fishery Act, 1861, is inappropriate, to make byelaws directing that the provisions of that section with respect to sluices shall not apply, and substituting for those provisions a regulation that any specified sluice or sluices in or near a dam shall be kept open instead of shut at the times specified in the section.

Miscel-
laneous
amend-
ments of
36 & 37 Vict.
c. 71.

10. The Salmon Fishery Act, 1873, shall be amended as follows :—

(1.) In section thirteen the words “in lieu of the words ‘private “rights of fishery’” shall be repealed.

30

(2.) In section nineteen (which imposes penalties on selling salmon during the annual close season) for the words “beyond the limits of this Act” shall be substituted the words “within the territorial waters of Scotland, Ireland, or any foreign State.”

35

(3.) Section fifty-six (giving power to enter and inspect weirs, dams, &c.) shall have effect as if the word “river” were inserted therein after the word “millrace.”

11. This Part of this Act shall be read with the Salmon and A.D. 1895.
Freshwater Fisheries Acts, 1861 to 1892.

Collective
title.
[See
55 & 56 Vict.
c. 50, s. 1.]

PART III.

GENERAL.

5 12. This Act may be cited as the Fisheries Act, 1895.

Short title.

A.D. 1895.

SCHEDULE.

The Sea Fisheries Act, 1843 (6 & 7 Vict. c. 79.).	
The Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.).	
The Oyster and Mussel Fisheries Orders Confirmation Act, 1869 (No. 2)	
(32 & 33 Vict. c. 31.).	5
The Sea Fisheries Act, 1875 (38 & 39 Vict. c. 15.).	
The Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict. c. 42.).	
The Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.).	
The Sea Fisheries Act, 1884 (47 & 48 Vict. c. 27.).	
The Sea Fisheries (Scotland) Amendment Act, 1885 (48 & 49 Vict. c. 70.).	10
The Fisheries Act, 1891 (Part I.) (54 & 55 Vict. c. 37.).	
The North Sea Fisheries Act, 1893 (56 & 57 Vict. c. 17.).	

Fisheries Acts Amendment.

BILL

To amend the Fisheries Acts.

(Prepared and brought in by
Mr. Bryce and Mr. Burt.)

*Ordered, by The House of Commons, to be Printed,
27 March 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
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90, West Nile Street, Glasgow; or
HODGKINS, FROGGS, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 186.]

A

B I L L

TO

Amend the Fisheries (Ireland) Acts, 1842 to 1891, by
providing the right of appeal in certain cases.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

- 5 1. It shall be lawful for any party who may consider himself
aggrieved by any decision which has been or shall hereafter be made
by the Inspectors of Irish Fisheries, whereby the close time for
salmon fishing in any district, river, or lake has been altered pursuant
to the thirty-fifth section of the fifth and sixth Victoria, chapter one
10 hundred and six, as amended by the seventh and eighth Victoria,
chapter one hundred and eight, and the eleventh and twelfth Victoria,
chapter ninety-two, to appeal to the Lord Lieutenant or other
governor or governors for the time being in Council against such
decision, provided that such appeal, if made against a decision pro-
15 nounced *after the passing of this Act*, shall be lodged within *one month*
from the publication of the decision appealed against in the Dublin
Gazette, and if heretofore made within *three months from the passing*
of this Act, and provided that no decision made before the first day
of January one thousand eight hundred and ninety-five, shall be
20 questioned under the provisions of this section.
2. Every such appeal shall be brought in like manner as appeals
under the ninety-second section of the fifth and sixth Victoria,
chapter one hundred and six. Appeal as
to alteration
of close
time.
3. Upon such appeal it shall be lawful for the Lord Lieutenant in
25 Council to receive such evidence as may be offered in support
thereof or of the decision appealed against, and to alter, confirm, or
rescind such decision and to make such new rule or order in lieu
thereof as he may deem expedient. Mode of
appeal.

[Bill 195.] Evidence.

- A.D. 1895. **4.** Any rule or order so made and any decision appealed against and so confirmed or varied shall commence and take effect at the expiration of *six weeks* from the date of the publication of the result of such appeal in the Dublin Gazette and not sooner, anything contained in the thirty-ninth section of the eleventh and twelfth 5 Victoria, chapter ninety-two, to the contrary notwithstanding.
- Time when rules or orders shall have effect.
- Provisions applicable to rule or decision. **5.** The provisions of the thirty-fifth section of the fifth and sixth Victoria, chapter one hundred and six, shall apply to such rule or decision in like manner as if the same were a decision of the Inspectors of Irish Fisheries within the meaning of that section. 10
- Extent and short title. **6.** This Act shall extend to Ireland only, and may be cited as the Fisheries Close Season (Ireland) Act, 1895.

Fisheries (Close Season) (Ireland).

A

B I L L

To amend the Fisheries (Ireland)
Acts, 1842 to 1891, by providing the
right of appeal in certain cases.

(Prepared and brought in by
*Captain Donelan, Mr. Dane,
Mr. William Kenny, Mr. Ross, and Mr. Webb.*)

*Ordered, by The House of Commons, to be Printed,
5 April 1895.*

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99, West Nile Street, Glasgow; or
HODGES, FIEBIGER, & CO., LIMITED, 104, Grafton Street, Dublin

[*Price 4d.*]

[Bill 195.]

A

B I L L

FOR

The purpose of Marking of Foreign and Colonial Meat. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Foreign and Colonial Meat Act, Short title.
1895.

2. This Act shall come into operation on the *first day of* Commence-
January one thousand eight hundred and ninety-six. ment of Act.

3. In this Act the word "meat" means and includes the flesh of Definitions.
10 any animal commonly used for human food.

The words "foreign or colonial meat" mean and include all meat the flesh of dead cattle or sheep of any kind or age which shall be imported into any part of Great Britain or Ireland from any country or place beyond the limits of Great Britain and Ireland.

15 The words "British or Irish meat" mean meat fattened and killed within the United Kingdom of Great Britain and Ireland, the Channel Islands, or the Isle of Man.

The expression "local authority" has the following meanings, that is to say :—

20 (a.) As regards the City of London and the liberties thereof, the Commissioners of Sewers.

 (b.) As regards the rest of the county of London, the London County Council.

 (c.) As regards all other parts of England, the same meaning as
25 in the Public Health Act.

 (d.) As regards Scotland, a district committee appointed under the County Council (Scotland) Act, 1889, for the purposes of the administration of the laws relating to public health.

[Bill 88.]

A.D. 1895.

(e.) As regards Ireland, the same meaning as in the Public Health (Ireland) Act, 1878.

The word "person" includes a body corporate or unincorporate.

Foreign
meat to be
marked as
such.

4. Every person who, either by himself or herself, or by his or her agent, servant, or other person employed for that purpose, sells or exposes for sale, or who hawks or offers for sale any foreign meat, shall cause to be attached to each carcase or piece of such foreign meat a label or mark containing, in printed capital letters, the words "Foreign meat," in such manner as to be clearly visible to the purchaser. 10

Vendor to
affix the
words
"Dealer in
Foreign and
Colonial
Meat" on
shop.

5. Every person dealing in, selling, offering or exposing or keeping for sale, or having in his possession for the purpose of sale, foreign or colonial meat, shall at all times keep painted, affixed, or placed in a conspicuous position, and so as to be easily legible, whether by night or day, upon or to some part of the shop, stall, vehicle, or place where or from which such foreign or colonial meat is dealt in, sold, offered, or exposed, or kept for sale, the following words, which shall be legibly printed or painted in capital letters not less than one and a half inches square, viz., "Dealer in Foreign and Colonial Meat," and every person so dealing, selling, offering, or exposing or keeping for sale, or having in his possession for the purpose of sale, foreign or colonial meat without having such words painted, affixed, or placed in manner aforesaid upon or to such shop, stall, vehicle, or place as aforesaid, shall be guilty of an offence under this Act. 25

Sale of
foreign or
colonial meat
as British or
Irish an
offence.

6. Every person who shall deal in, sell, offer, expose, or keep for sale, or have in his possession for the purpose of sale, any foreign or colonial meat as or for British or Irish meat, shall be guilty of an offence under this Act.

Dealer in
foreign or
colonial
meat to be
registered as
such.

7. It shall not be lawful for any person to keep for sale, or to have in his possession for the purpose of sale, or to sell or to offer or expose for sale, or to deal in foreign or colonial meat unless he is registered as a "dealer in foreign and colonial meat" in accordance with this Act. 30

Local authority
to keep
register.

8. Every local authority shall keep a register of persons from time to time keeping for sale or having in their possession for the purpose of sale or selling or offering or exposing for sale or dealing in foreign or colonial meat within its district, and shall from time to time revise and correct such register; and the local authority 35

shall register every such person as aforesaid in such register free of charge to such person, and every such person not so registered shall be guilty of an offence under this Act. A.D. 1895.

9. The local authority shall from time to time give public notice by advertisement in one or more newspaper or newspapers circulating in its district, and, if it thinks fit, by placards, handbills, or otherwise of registration under this Act being required, and of the mode and time and place of such registration. Local authority to give notice of registration under this Act.

10. Such register shall be kept at the office of the local authority and shall be open to inspection by any person free of charge during the time when such office is usually open for business purposes. Register to be open to public inspection.

11. It shall be the duty of every local authority to take care that the provisions of this Act are duly carried out within the district of such authority, and every such authority shall have power to appoint for such purposes, and to remunerate inspectors and other officers having competent technical knowledge, such inspectors and other officers shall have powers within the district of the local authority by which they shall have been appointed, to enter and inspect any shop, stall, vehicle, or place where or from which any meat is sold, or offered, or exposed, or kept for sale, and without going through the form of purchase to take samples of any such meat in order to ascertain whether such meat is or is not foreign or colonial meat. Local authorities to carry out Act by means of inspectors and other officers.

12. If any such inspector or other officer shall be of opinion that any person has been guilty of an offence under this Act, he shall forthwith report the name and address of such person, and the offence of which in the opinion of such inspector or other officer he has been guilty, to the local authority by which such inspector or other officer shall have been appointed, and if upon consideration of such report it shall appear to the local authority that the offence thereby alleged has been committed, the local authority shall prosecute the person alleged to have been guilty for such offence. Upon inspector's report local authority to prosecute.

Provided always that nothing herein contained shall prevent any private person from instituting a prosecution for an offence under this Act.

13. All prosecutions under this Act shall be conducted in a summary manner before any justices in petty sessions assembled having jurisdiction in the place where the alleged offence was committed, and no prosecution for an offence under this Act shall Proceedings against offenders.

A.D. 1895. be instituted after the expiration of *three calendar months* next after the day on which the alleged offence was committed.

Penalties.

14. Every person found guilty of an offence under this Act shall be liable for a first offence to a fine not exceeding *five pounds* and for a second or any subsequent offence to a fine not exceeding *5 twenty pounds*.

Expenses of carrying out Act in England.

15. The expenses of carrying this Act into execution in the City of London and the liberties thereof shall be borne by the consolidated rate raised by the Commissioners of Sewers of the said city, and in the remainder of the County of London by the 10 consolidated rate raised by the London County Council, and in all other parts of England such expenses shall be included in the general expenses of the sanitary authority under the Public Health Act, 1875.

Expenses of carrying out Act in Scotland and Ireland.

16. The expenses of carrying this Act into execution in Scotland 15 shall be included in the rate imposed by a county council to meet any deficiency in respect of expenditure under the Public Health (Scotland) Acts, and in Ireland such expenses shall be included in the general expenses of a sanitary authority under the Public Health (Ireland) Act, 1878.

20

Foreign and Colonial Meat (Marking).

A

B I L L

For the purpose of Marking of Foreign
and Colonial Meat.

(Prepared and brought in by
Mr. Jeffreys, Sir A. Acland Hood, Mr. Hanbury,
Mr. Fellowes, Mr. Hozier, Mr. Horace Plunkett,
and Mr. Wickham.)

Ordered, by The House of Commons, to be Printed,
11 February 1895.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and

50, West Nile Street, Glasgow; or

HODGES, Tregis, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 88.]

A

B I L L

FOR

The placing of a Mark of Origin on Foreign Goods.

A.D. 1895.

WHEREAS it is essential to make further provision for the prevention of fraud by false marking :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Merchandise Marks Amendment Act, 1895, and shall be read and construed with the Merchandise Marks Act, 1887, as one Act.

Short title
and con-
struction.

10 **2.** All imported goods, except such goods as may be specially exempted from time to time from the provisions of this Act by the published regulations of the Commissioners of Customs, on the ground that they are incapable of being marked as in this Act
15 provided, which do not bear in a legible and conspicuous form a definite indication of the country in which such goods were made or produced, are hereby prohibited to be imported into the United Kingdom, as if they were specified in section forty-two of the Customs Consolidation Act, 1876.

Importation
of blank
goods.

20 **3.** From and after the *passing of this Act* no goods imported into the United Kingdom which do not bear a definite indication of the country in which such goods were made or produced, or from which they were so imported, shall be exposed or offered for sale in any part of the United Kingdom unless by means either of express notice, or by a board, card, label, ticket, invoice, or other document,
25 the purchaser be made aware that such goods have been imported, and are not of home production.

Sale of
unmarked
foreign
goods.

4. This Act shall come into force on the *first day of January one thousand eight hundred and ninety-six*.

Commence-
ment of Act.

[Bill 115.]

Foreign Goods (Mark of Origin).⁷

A

B I L L

For the placing of a Mark of Origin
on Foreign Goods.

(Prepared and brought in by
Colonel Howard Vincent, Sir Henry Hamorth,
Mr. William Johnston, Mr. Macaire,
Colonel Bridgeman, Mr. Godson, Mr. Brothfield,
Mr. Spencer, Mr. Seton-Karr, Mr. Wrightson,
Mr. Tomlinson, Mr. Field, and Mr. Baldwin.)

Ordered, by The House of Commons, to be Printed,
15 February 1895.

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50, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1*^{*d.*}.]

[Bill 115.]

A

B I L L

TO

Establish a single Franchise at all Elections and thereby to abolish University Representation and to remove the Disabilities of Women. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) Every man and woman of full age, whether married or single, shall be qualified to vote at a parliamentary or local election, who resides in the area for which the election is held and is duly registered, unless disqualified (for a reason other than sex or marriage) by common law or Act of Parliament. Single franchise.
- 10 (2.) No other person shall be qualified to vote at any such election.
- (3.) The term local election in this Act means an election of a county council, city or borough council, district council, board of guardians, metropolitan vestry, parish council, or school board.
- 15 2. Her Majesty may by Order in Council alter the instructions, precepts, notices, and forms under the Registration of Electors Acts in such manner as appears to Her Majesty necessary for carrying this Act into effect, and the instructions, precepts, notices, and forms specified in such order shall be observed and be valid
- 20 in law.
3. No person shall be returned as a member to serve in Parliament by any university or combination of universities. University representation.
4. No person shall be disqualified by sex or marriage from being elected or being a member of either House of Parliament, or of a
- 25 borough or county council, or from exercising any public functions whatever. Abolition of disqualifications.
5. This Act may be cited as the Franchise and Removal of Women's Disabilities Act, 1895. Short title.

Franchise and Removal of Women's Disabilities.

A

B I L L

To establish a single Franchise at all
Elections and thereby to abolish
University Representation and to
remove the Disabilities of Women.

(*Prepared and brought in by*
Sir Charles Dilke, Mr. William Allen,
Mr. Jacob Bright, Mr. John Burns, Mr. Byles,
Dr. Clark, and Mr. Keir-Hardie.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
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[*Price ½d.*]

[Bill 45.]

Friendly Societies Bill.

MEMORANDUM.

The object of this Bill is to make certain amendments of detail in the Friendly Societies Act, 1875 (38 & 39 Vict. c. 60). In point of form the Bill follows the precedent of the Friendly Societies Act, 1887 (50 & 51 Vict. c. 56), by framing the amendments in such a form that they can be fitted in to the language of the Act of 1875, and by authorising the Queen's Printer to print the Act of 1875 with the additions, omissions, and substitutions required by the amending measure. This form of amendment has been found the most convenient for those who have to administer and observe the Acts. For the convenience of the Legislature a separate paper has been printed showing the sections of the Act of 1875, as amended by the Act of 1887, and as proposed to be further amended by the present Bill.

Friendly Societies Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Amendment of 38 & 39 Vict. c. 60. s. 11, as to grant of annuities.
 2. Amendment of law as to appeals.
 3. Trustees.
 4. Certificates of death.
 5. Exemption from stamp duty.
 6. Amendment of 38 & 39 Vict. c. 60. s. 15 as to nominations.
 7. Membership of minors.
 8. Investment of funds.
 9. Rate of interest.
 10. Disputes.
 11. Special powers of registrar.
 12. Amalgamation of juvenile and adult societies.
 13. Societies with branches.
 14. Conversion of societies into branches.
 15. Contributions by societies to the funds of other societies.
 16. Collecting societies.
 17. Subscriptions not recoverable.
 18. Application to the Channel Islands.
 19. Amendment of 38 & 39 Vict. c. 60., Second Schedule, as to rules of societies.
 20. Short title, construction, and printing.
 21. Commencement of Act.
-

A
B I L L
TO

Amend the Law relating to Friendly Societies.

A.D. 1895.

WHEREAS it is expedient to amend the Friendly Societies Act, 1875 (herein-after referred to as the principal Act):

38 & 39 Vict.
c. 60.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment
of 38 & 39
Vict. c. 60.
s. 11. as to
grant of
annuities.

1. In sub-section five of section eleven of the principal Act the words "to any member" shall be omitted.

2.—(1.) For sub-section eight of section eleven of the principal Act shall be substituted the following sub-section:—

Amendment
of law as
to appeals.
[38 & 39
Vict. c. 60.
ss. 8, 13. 29.]

"(8.) From a refusal to register a society or any rules or amendment of rules, an appeal shall lie as follows:—

"(a.) If the assistant registrar for Scotland or for Ireland refuses to register, the society may appeal to the chief registrar, and if he refuses, to the Court of Session in Scotland, or to the High Court in Ireland:

"(b.) If the central office refuse, the society may appeal to the High Court in England."

(2.) For sub-section four of section twelve of the principal Act shall be substituted the following sub-section:—

"(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after *six months*, as follows:—

"(a) from the assistant registrar for Scotland or Ireland to the chief registrar, and from him to the Court of Session in Scotland or the High Court in Ireland; and

"(b) from the chief registrar, in cases not relating exclusively either to Scotland or to Ireland, to the High Court in England."

(3.) For the proviso to sub-section seven of section twenty-nine of the principal Act shall be substituted the following proviso:—

"Provided that an appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission

[Bill 250.]

A

A.D. 1895. after *one month* from the receipt of a request in writing made on behalf of a branch to grant such a certificate, to the High Court in England or Ireland or to the Court of Session in Scotland."

Trustees.
[38 & 39
Vict. c. 60.
s. 14.]

3. A secretary or treasurer of a society or branch shall not be a trustee of that society or branch, and accordingly at the end of paragraph (b) of sub-section one of section fourteen of the principal Act, shall be inserted the following proviso: "Provided that the secretary or treasurer of a society or branch shall not be appointed to be a trustee of that society or branch."

Certificates
of death.
[38 & 39
Vict. c. 60.
s. 14.]

4. The requirements of section fourteen of the principal Act as to certificates of death shall not apply in cases where the body cannot be found; and accordingly in sub-section two of that section, after the words "This sub-section shall not apply to deaths at sea," shall be inserted the words "nor to a death by colliery explosion or other accident where the body cannot be found." 15

Exemption
from stamp
duty.
[38 & 39
Vict. c. 60.
s. 15.]

5. For sub-section two of section fifteen of the principal Act shall be substituted the following sub-section:—

"Stamp duty shall not be chargeable upon any of the following documents:—

"(a.) Draft or order or receipt given by or to the society in respect of money payable by virtue of its rules, or of this Act. 20

"(b.) Letter or power of attorney granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds. 25

"(c.) Bond given to or on account of the society or by the treasurer or other officer thereof.

"(d.) Policy of insurance or appointment or revocation of appointment of agent or other document required or authorised by this Act or by the rules of the society." 30

Amendment
of 38 & 39
Vict. c. 60.
s. 15, as to
nominations.

6. At the end of sub-section three of section fifteen of the principal Act shall be added the following words:—

"and the receipt of a nominee over *sixteen years* of age for any amount so paid shall be valid, but the marriage of a member of a society shall operate as a revocation of any nomination theretofore made by that member under this section." 35

Membership
of minors.
[38 & 39
Vict. c. 60.
s. 15.]

7. For sub-section eight of section fifteen of the principal Act shall be substituted the following sub-section:—

"(8.) The rules of a registered society or branch may provide for the admission of a person under twenty-one years of age but 40

above *one year* of age as a member, and any such member may, if he is over *sixteen years* of age by himself, and if he is under that age by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, or a trustee, manager, or treasurer of the society or branch.”

8. The following provision shall be added as a new sub-section after sub-section (1) of section sixteen of the principal Act, and shall be numbered (1A):—

A.D. 1895
Investment
of funds.
[38 & 39
Vict. c. 60.
s. 16.]

- 10 “The rules of a society with branches and of any branch thereof may provide for the investment of funds of the society or of that branch by the trustees of any branch, or by the trustees of the society, and the consent required for any such investment shall be the consent of the committee of
15 .. management, or of such majority as aforesaid of the society or branch by whom the funds are invested.”

9.—(1.) For sub-sections five, six, and seven of section seventeen of the principal Act shall be substituted the following sub-section:—

Rate of
interest.
[38 & 39
Vict. c. 60.
s. 17.]

- 20 “(5.) A society investing money with the Commissioners shall be entitled to a receipt entitling to interest at the following rates:—

To a friendly society legally established)

before the twenty-eighth of July, one
thousand eight hundred and twenty-

- 25 the Commissioners before the twenty-
third of July, one thousand eight
hundred and fifty-five, a rate of interest
in respect of any assurance made before
the fifteenth of August one thousand
30 eight hundred and fifty of - -)

Three pence per
centum per diem.

To a friendly society legally established)

between the twenty-eighth of July, one
thousand eight hundred and twenty-

- 35 eight and the fifteenth of August one
thousand eight hundred and fifty, which
had invested funds with the Commis-
sioners before the twenty third of July,
one thousand eight hundred and fifty-five,
a rate of interest in respect of any
40 assurance made before the fifteenth of
August one thousand eight hundred and
fifty of - - - -)

Two pence halfpenny
per centum per
diem.

A.D. 1895.

To a friendly society legally established before the twenty-eighth of June, one thousand eight hundred and eighty-eight, which had invested funds with the Commissioners before the first day of January, one thousand eight hundred and ninety-six, a rate of interest in respect of any assurance made on or before the said twenty-eighth day of June of	Twopence per centum per diem.	5
To a society in respect of any investment with the Commissioners, other than as herein-before mentioned, a rate of interest of	Two pounds fifteen shillings per centum per annum.	10

(2.) For sub-section ten of the same section shall be substituted 15 the following sub-section :—

“(10.) A society having funds invested with the Commissioners at a rate higher than *two pounds fifteen shillings* per centum per annum shall retain at that rate so much only of its funds as arises from assurances made before the date applicable to that rate, 20 after deducting all benefit payments and management expenses incurred on account of such assurances; and whenever the society fails to satisfy the Commissioners of its title to retain at that rate any part of its funds, the Commissioners shall require the withdrawal thereof, or the transfer thereof to the rate of *twopence* per 25 centum per diem, or *two pounds fifteen shillings* per centum per annum, as the case may require, and in default of withdrawal within *thirty* days, shall transfer the same in their books accordingly, and shall notify such transfer to the society.”

(3.) In sub-section eleven of the same section, after the words 30 “*twopence per centum per diem*” shall be added the words “or “*two pounds fifteen shillings* per centum per annum, as the case “may require.”

Disputes.
[38 & 39
Vict. c. 60.
s. 22.]

10.—(1.) Section twenty-two of the principal Act, which relates to the settlement of disputes, shall apply to every dispute between any 35 person aggrieved who has for not more than six months ceased to be a member of a registered society, or any person claiming through such person aggrieved, and the society or an officer thereof, and accordingly in that section after the words “registered society,” where they first occur, shall be added the words “or any person 40 “aggrieved who has for not more than *six months* ceased to be a “member of a registered society, or any person claiming through “such person aggrieved.”

(2.) At the end of proviso (d) of the same section shall be added:— A.D. 1895.

“but in the case of a society with branches the said forty days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the registered rules of the society, so however that no rules shall require a greater delay than three months between each successive determination.”

11. The powers exercisable by the registrar under section twenty-three, and under paragraph (a) of sub-section eight of section twenty-five of the principal Act, may be exercised on the application of one tenth of the whole number of members of a registered society, or in the case of a society exceeding one thousand members, then on the application of one hundred members, and accordingly in those sections respectively for the words “of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members” shall be substituted the words “of one-tenth of the whole number of members of a registered society or in the case of a society exceeding one thousand members then on the application of one hundred members.”

Special powers of registrar.
[38 & 39
Vict. c. 60.
ss.23 and 25.]

12. After section twenty-four of the principal Act shall be added the following section:—

“24A. A society consisting wholly of members under twenty-one years of age, and a society or branch or branches of a society having members above twenty-one years of age, may, by resolutions registered in the manner required for the registration of an amendment of rules, become amalgamated together as one society or branch, or provide for distributing among several branches the members of a society consisting wholly of members under twenty-one years of age, and the provisions of section twenty-four shall not apply to such amalgamation.”

Amalgamation of juvenile and adult societies.

13. At the end of section twenty-nine of the principal Act, relating to the registration of societies with branches, shall be added the following sub-section:—

“(8.) A branch that has wholly seceded or been expelled from a society shall not thereafter use the name of the society or any

Societies with branches.
[38 & 39
Vict. c. 60.
s. 29.]

A.D. 1895. name implying that it is a branch thereof, or the number by which it is designated as such branch, and any officer or member thereof contravening this sub-section shall be guilty of an offence under this Act."

Conversion of societies into branches.
[88 & 39 Vict. c. 60. s. 29A.]

14. A resolution to convert a society into a branch may be passed 5 by a majority, and accordingly, in sub-section one of section twenty-nine A of the principal Act, the words "a majority" shall be substituted for the words "three fourths."

Contributions by societies to the funds of other societies.
[88 & 39 Vict. c. 60. s. 29B.]

15. To section twenty-nine B of the principal Act, enabling registered societies to contribute to the funds and take part in the 10 management of other registered societies, the following paragraph shall be added :—

"This section shall in respect of contributing to the funds and taking part in the government of a medical society, that is to say, a society for the purpose of relief in sickness by providing medical 15 attendance and medicine, extend to any registered trade union or branch of a registered trade union, and a society or trade union or branch shall not withdraw from contributing to the funds of any such medical society except on three months notice to the society and on payment of all contributions accrued or accruing due 20 to the date of the expiration of the notice."

Collecting societies.
[38 & 39 Vict. c. 60. s. 30.]

16. At the end of section thirty of the principal Act, which relates to collecting societies, shall be added the words following :—

"The last words in the name of any friendly society to which this section applies, and which is registered on or after the *first* 25 *day of January one thousand eight hundred and ninety-six*, shall be 'collecting society.' "

Subscriptions not recoverable.

17. After section thirty-one of the principal Act shall be added the following section :—

"31A. Except as provided by section thirty-one of this Act, the 30 subscription of a person being or having been a member of a registered society shall not be recoverable at law."

Application to the Channel Islands.
[38 & 39 Vict. c. 60. s. 41.]

18. In paragraph (d) of sub-section one of section forty-one of the principal Act, which regulates the application of the Act to the Channel Islands, for the words "bailiff of the parish" shall be 35 substituted the words "constable of the parish."

Amendment of 38 & 39 Vict. c. 60., Second

19. In the Second Schedule to the principal Act, which specifies the matters to be provided for by the rules of registered societies, for the paragraph numbered (5) in the provisions relating to

friendly and cattle insurance societies, shall be substituted the following paragraph :—

A.D. 1895.

Schedule, as
to rules of
societies.

- 5 “ (5.) The right of one-tenth of the whole number of members
of a registered society, or, in the case of a society exceeding
one thousand members, the right of one hundred members, to
apply to the chief registrar, or, in the case of societies
registered and doing business exclusively in Scotland or
Ireland to the assistant registrar for Scotland or Ireland, for
10 an investigation of the affairs of the society or for winding up
the same.”

20.—(1.) This Act may be cited as the Friendly Societies Act,
1895.

Short title,
construction,
and printing.

(2.) This Act shall be construed with the Friendly Societies Acts,
1875 to 1893.

- 15 (3.) The principal Act shall, as from the commencement of
this Act, take effect subject to the additions, omissions, and
substitutions required by this Act.

- (4.) Any copy of the principal Act printed after the *passing of*
this Act under the authority of the Queen's Printer may be printed
20 with the additions, omissions, and substitutions required by this
Act.

21. This Act shall come into operation on the *first day of*
January one thousand eight hundred and ninety-six.

Commence-
ment of Act.

Friendly Societies.

A

B I L L

To amend the Law relating to Friendly Societies.

(Prepared and brought in by
*Sir John Hibbert and Mr. Chancellor of the
Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1895.*

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[Bill 250.]

Funeral Expenses of Children Insurance Bill.

MEMORANDUM.

It is proposed by this Bill to increase the stringency of the law relating to the insurance of sums payable on the deaths of young children, which at present is regulated by s. 28 of the Friendly Societies Act, 1875.

A distinction is drawn between those insurance societies (including in that term all persons or bodies of persons doing insurance business of this kind) which insure benefits for children during sickness or by way of deferred payments as well as payments on death and those which insure payments on death only; and advantages are proposed to be given to the former class over the latter as regards the amount which can be insured and the age at which the insurance can operate. Certain additional formalities also are prescribed for insurances of the latter class. The Bill is thus designed to further the welfare of young children by promoting that kind of insurance which secures advantages to the children themselves during their life, as well as payments to their parents after their death.

In detail the Bill seeks to increase the securities for the observance of the law and for the discovery and punishment of offences, without (it is believed) undue interference with the legitimate uses of insurance. It is provided that both medical men and registrars of deaths must have knowledge of all cases where certificates of death issued by them, in the case of young children, are to be used for the purpose of obtaining insurance money. Insurances relating to the same child are to be made with one office only. Penalty provisions are inserted, and certain provisions of the Cruelty to Children Act, 1894, facilitating the taking of evidence, are incorporated.

A
B I L L

TO

Amend the Law relating to the Insurance of Funeral Expenses of Children. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. In the case of an assurance including any payment or medical attendance for a child during sickness, or any payment for a child by way of a deferred annuity, an insurance society shall not assure or pay, and a person shall not contract with an insurance society for the assurance of, or receive from an insurance society,—
- 10 any sum whatever on the death of the child under the age of *one year* ; nor
- any sum exceeding *three pounds* on the death of the child between the ages of *one year* and *five years* ; nor
- 15 any sum exceeding *five pounds* on the death of the child between the ages of *five and ten years* ; nor
- any sum exceeding *eight pounds* on the death of the child between the ages of *ten and sixteen years* ; nor
- any sum on the death of the child under the age of *sixteen years*, if an assurance for the payment of any sum on the death of the
- 20 child has been made with another insurance society and is subsisting.

Limitations of payments on death of children where other benefits are assured.

Provided that, if the child, at the date of the contract of assurance, is *bonâ fide* in employment at wages, the foregoing provisions of this section shall have effect as if the age of *thirteen*

25 *years* were substituted for the age of *sixteen years*, and the age of sixteen years or thirteen years (as the case may be) is hereinafter referred to as "the age specified for the purposes of this Act."

2. In the case of an assurance not including any payment or medical attendance for a child during sickness or any payment for
- 30 [Bill 243.] A 2

Limitation of payments on death of

A.D. 1895.

children
where other
benefits are
not assured.

a child by way of a deferred annuity, the following provisions shall have effect, that is to say :—

- (1.) An insurance society shall not assure or pay, and a person shall not contract with an insurance society for the assurance of, or receive from an insurance society,—
 - any sum whatever on the death of the child under the age of *two years*; nor
 - any sum exceeding *two pounds* on the death of the child between the ages of *two and five years*; nor
 - any sum exceeding *three pounds* on the death of the child between the ages of *five and ten years*; nor
 - any sum exceeding *five pounds* on the death of the child between the ages of *ten and sixteen years*; nor
 - any sum on the death of the child under the age of *sixteen years*,
 if an assurance for the payment of any sum on the death of the child has been made with another insurance society and is subsisting :
- (2.) An insurance society, before assuring the payment of any sum of money on the death of the child under the age of *sixteen years*, shall require a declaration to be signed by both of the parents of the child in the presence of a member, officer, or agent of the society, and countersigned by him; and the declaration shall contain the particulars specified in the schedule to this Act, and shall be in the form therein set forth, or to that effect : Provided that if the said member, officer, or agent is satisfied, after due inquiry, that one of the parents is dead or cannot be found, or that owing to absence or incapacity the declaration cannot be signed by such parent in the presence of a member, officer, or agent of the said society, the declaration shall be sufficient if signed by the other parent alone, but the member, officer, or agent countersigning the same shall state therein the reason why it is not signed by both parents :
- (3.) The declaration shall be signed within *ten days* before the assurance is made, and shall be kept by the insurance society until the child, if living, has attained the age of *sixteen years*, or in the event of the death of the child before attaining that age then until the expiration of *six months* after such death; and the said society, or any member, officer, or agent thereof having custody of the said declaration, shall on the order of a justice produce the same to a court of summary jurisdiction or to any person authorised by the order to inspect the same.

Limitations
as to persons
who may
assure.

3. An insurance society shall not assure or pay any sum on the death of a child under the age specified for the purposes of this Act

A.D. 1895.

to any person other than the parent or guardian of the child, and a person other than that parent or guardian shall not contract with an insurance society for the assurance of, or receive from an insurance society, any sum on the death of such a child; and, where the assurance does not include any payment or medical attendance for the child during sickness, or any payment for the child by way of a deferred annuity, an insurance society shall not contract with any person other than a parent of the child for the assurance of any sum payable on the death of the child, and a person other than that parent shall not contract with an insurance society for such assurance.

4.—(1.) An insurance society shall not pay, and a person shall not receive from an insurance society, any sum on the death of a child under the age specified for the purposes of this Act, except on production by that person of a certificate under the hand of the registrar of deaths, in a form prescribed by the Registrar-General of Births, Deaths, and Marriages, specifying the name of the society and the amount to be paid by it on the death, and the amount so specified shall not exceed the amount allowed by this Act.

Certificates of death.

(2.) A registrar of deaths shall not give more than one such certificate on the death of a child under the age specified for the purposes of this Act, and shall not give any such certificate unless a certificate stating the cause or probable cause of death, and expressed to be available for purposes of insurance, has been signed by a registered medical practitioner (who shall not charge more than *one shilling* for such certificate), or by a coroner, and been produced to the registrar of deaths.

5.—(1.) If any insurance society assures the payment of or pays any sum in contravention of this Act, or otherwise makes default in complying with any of the provisions of this Act, such society shall on summary conviction be liable to a fine not exceeding *fifty pounds*.

Punishment of offences.

(2.) If—

(a) any member, officer, or agent of a society, or any parent of a child, or other person wilfully makes or subscribes any false statement in any such declaration as is mentioned in this Act, or wilfully makes or is party to the making of any assurance or payment in contravention of this Act; or

(b) any person claiming money on the death of a child under the age specified for the purposes of this Act, wilfully obtains or attempts to obtain or produces a false certificate; or

(c) any person receives or claims any sum the payment of which constitutes an offence punishable under this Act; or

D. 1895.

- (d) any person in any way attempts to defeat the provisions of this Act with respect to payments on the death of a child ; or
 (e) any person, having contracted for the assurance of a sum payable on the death of a child under the age specified for the purposes of this Act, or being entitled to the benefit of any such assurance, or having received any payment in respect thereof, wilfully fails to make the fact of such assurance known to any board of guardians incurring expense for the burial of the child on its death under that age, or to refund to the said guardians, out of any sum received in respect of the assurance, the expenses so incurred by them,

such member, officer, or agent of a society or such parent or person shall on conviction on indictment be guilty of a misdemeanor, and on summary conviction be liable to a fine not exceeding *twenty pounds*, or, at the discretion of the court, to be imprisoned, with or without hard labour, for any term not exceeding *three months*.

Provisions
as to legal
proceedings.

6.—(1.) Proceedings under the Summary Jurisdiction Acts in respect of any matter arising under this Act may be taken at any time during the life or within *six months* after the death of the child in relation to whom the proceedings are taken, or within *six months* after the time when the cause of the proceedings arose.

57 & 58 Vict.
c. 41.

(2.) For the purposes of this Act the following sections of the Prevention of Cruelty to Children Act, 1894, shall have effect as if re-enacted in this Act, and in terms made applicable thereto ; that is to say,—

Section twelve, relating to the evidence of an accused person, and of the wife and husband of such person ; and

Section fifteen, relating to the evidence of a child ; and

Section seventeen, relating to evidence of the age of a child.

Saving for
insurable
interests.

7. Nothing in this Act shall extend to prohibit assurances on the lives of children, where the person assuring has an interest in the life of the person assured.

Saving for
existing
contracts.

8. Nothing in this Act shall affect any contract existing at the commencement of this Act.

Definitions.

9. In this Act, unless inconsistent with the context,—

The expression “insurance society” includes every person or body of persons corporate or unincorporate undertaking for valuable consideration to pay a sum of money on death ;

The expression “guardian” in relation to a child includes any person other than the parent who is liable for the maintenance of the child under the Acts relating to the relief of the poor ;

The expression “registrar of deaths” includes any person having the care of the register of deaths.

10. Section twenty-eight of the Friendly Societies Act, 1875, and section two of the Trade Union Act Amendment Act, 1876, shall be repealed as from the commencement of this Act.

Repeal.
38 & 39 Vict.
c. 60.
39 & 40 Vict.
c. 22.

11. This Act shall come into operation on the *first day of October*, 5 *one thousand eight hundred and ninety-five*.

Commence-
ment of Act.

12. This Act may be cited as the Children's Funerals Insurance Act, 1895, and shall be construed as one with the Friendly Societies Acts.

Short title
and construc-
tion.
38 & 39 Vict.
c. 60.
50 & 51 Vict.
c. 56.

SCHEDULE.

10

DECLARATION.

We hereby declare that I am the father, and I am the mother, of a child aged years last birthday, having been born at on the day of 18 . [If only one parent signs, the necessary alterations must here be made.]

15

That we believe the said child to be in ordinary health ; That we desire to assure the payment of a sum of money by the for funeral expenses in the event of the death of the said child before attaining the age of sixteen years ;

20

And that we have not assured the payment of any sum in the said event by any other society, company, or person. Signed

25

Signed this day of 18 , in the presence of me, being an agent [member or officer] of the and having seen the said child, and satisfied myself by inquiry that no such assurance has previously been made in relation to the said child with any other society, company, or person, and by personal observation that the said child is well cared for, and that the said assurance may properly be made [and being further satisfied after due inquiry that

30

Countersigned

[If only one parent signs, state the reason.]

Funeral Expenses of Children Insurance.

A

B I L L

To amend the Law relating to the
Insurance of Funeral Expenses of
Children.

(Prepared and brought in by
Sir Richard Webster, Mr. Greene, and
Mr. Bucknill.)

Ordered, by The House of Commons, to be Printed,
13 May 1895.

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[Price 1d.]

[Bill 243.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Llanberis Gas and Water Newark Gas and Rothwell Gas. A.D. 1895.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas and Water Orders Confirmation Act 1895. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as

[Bill 328.]

A

A.D. 1895. — tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression “labouring class” 5 includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of 10 thirty shillings a week and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

LLANBERIS GAS AND WATER.—Order empowering the Llanberis Water and Gas Company Limited to maintain and continue Gasworks and Waterworks 15 and to manufacture and supply Gas and to supply Water within the Parish of Llanberis in the County of Carnarvon.

NEWARK GAS.—Order empowering the Newark Gas Company to raise additional Capital to extend their Limits of Supply to construct and maintain additional Works and for other Purposes. 20

ROTHWELL GAS.—Order empowering the Rothwell Gas Light Company to extend their Limits of Supply and to purchase additional Lands.

LLANBERIS GAS AND WATER.

A.D. 1895.

Llanberis.

Order empowering the Llanberis Water and Gas Company Limited to maintain and continue Gasworks and Waterworks and to manufacture and supply Gas and to supply Water within the Parish of Llanberis in the County of Carnarvon.

5

1. This Order shall consist of four parts:—

Order to consist of four parts.

Part I.—Preliminary relating both to the Gas Undertaking and to the Water Undertaking.

Part II.—Relating to the Gas Undertaking.

10

Part III.—Relating to the Water Undertaking.

Part IV.—General Provisions relating both to the Gas Undertaking and to the Water Undertaking.

..

PART I.—PRELIMINARY RELATING BOTH TO THE GAS UNDERTAKING AND TO THE WATER UNDERTAKING.

15 2. This Order may be cited as the Llanberis Gas and Water Order 1895. Short title.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as “the commencement of this Order.” Commencement of Order.

20 4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order except where the same are expressly varied by this Order. Incorporation of Lands Clauses Acts.

25 5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order or with any part of this Order and by the Gas and Waterworks Facilities Act 1870 meanings are assigned have in this Order or in such part of this Order the same respective meanings. Interpretation.

In this Order—

30 The expressions “deposited map” and “deposited plans” used in relation to the gas undertaking or the water undertaking by this Order authorised shall mean respectively the map and plans relating to such undertakings deposited for the purposes of this Order.

35 6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as “the limits of supply”) shall be so much of the parish of Llanberis in the county of Carnarvon as is coloured in yellow and green in the deposited map showing the limits of proposed supply. Limits of Order.

A.D. 1895. 7. The Llanberis Water and Gas Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

PART II.—RELATING TO THE GAS UNDERTAKING.

Incorporation of Gasworks Clauses Acts. 8. The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order. 5

Interpretation. 9. In this part of this Order the expression "the prescribed rates" means the rates of dividend authorised by this part of this Order on the gas capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order. 10

Capital.

Gas capital. 10. The share capital of the Undertakers shall not for the purposes of the undertaking authorised by this part of this Order (in this part of this Order referred to as "gas capital") exceed two thousand pounds consisting of the sum of one thousand five hundred pounds already raised or authorised to be raised (in this Order referred to as "the original gas capital") and of a further sum (in this Order referred to as "the additional gas capital") to be issued subject to the provisions of this Order not exceeding five hundred pounds including any premium which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. 15 20

Limits of dividend on gas capital. 11. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits in respect of the gas undertaking authorised by this part of this Order any larger dividends on the original and additional gas capitals than the standard rates of dividends herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original gas capital as may be issued as ordinary capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional gas capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital. 25 30

Limit of borrowing powers in respect of gas undertaking. 12. The amount of all moneys borrowed by the undertakers and secured by mortgage of the gas undertaking authorised by this part of this Order shall not at any time exceed in the whole one fourth of the amount of the gas capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. 35 40

13. In case in any year or half year if the Undertakers declare a half-yearly dividend the net revenues of the gas undertaking of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional gas capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

A.D. 1895.

Llanberis.
Dividends on different classes on shares or stock to be paid proportionately.

Acquisition of Land for Gas Purposes.

14. The Undertakers may for the purposes of the gas undertaking authorised by this part of this Order (by agreement but not otherwise) purchase or take on lease and hold in addition to the lands shown on the deposited map and described in Schedule A. to this Order annexed which lands are already vested in the Undertakers as part of their gas undertaking any lands and hereditaments not exceeding in the whole three acres which the Undertakers may from time to time require for the purposes of such undertaking Provided that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in Schedule A. to this Order annexed.

Additional land.

Maintenance of Gasworks.—Manufacture and Sale of Gas Coke and Residual Products.

15. The Undertakers on the lands shown on the deposited map and described in Schedule A. to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter enlarge extend renew and discontinue retorts retort houses gas holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this part of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke tar pitch asphaltum ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and sell and dispose of the same at the gasworks and elsewhere and they may also subject to the provisions of this Order construct and maintain and from time to time alter extend enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Maintenance of gasworks and sale of gas and residual products.

16. The Undertakers may manufacture purchase or hire and supply gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply and use of gas and may take charges and remuneration in respect thereof.

Powers in relation to gas meters &c.

A.D. 1895.

Manberis.
Power to take
licenses for
patents.

17. The Undertakers may subject to the provisions of this part of this Order (but only for the purposes of the gas undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave license or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting 5 any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from materials used therein.

Quality of Gas.

10

Quality of
gas.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

15

Price of gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a Secretary or Assistant 20 Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order 25 Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such Order made by the Board of Trade shall be published in the "London Gazette" and a copy 30 of the said "Gazette" containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of
gas.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of 35 water not less than six tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer.

Testing of Gas.

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Testing gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner

- to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six inch by a two inch chimney shall be used Provided that any other description of burner may be used which may
 5 from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this part of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any
 10 street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

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Miscellaneous.

22. No penalty shall be incurred by the Undertakers for insufficiency of
 15 pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

No penalty in case of unavoidable cause.

23. The Undertakers shall keep separate annual accounts in respect of their gas undertaking authorised by this part of this Order showing the amount of
 20 their paid up capital in relation to such undertaking and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Separate accounts to be kept in respect of gas undertaking.

24. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become
 25 due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposit.

30 PART III.—RELATING TO THE WATER UNDERTAKING.

25. The provisions of the Waterworks Clauses Acts 1847 and 1863 are hereby incorporated with this part of this Order except where the same are expressly varied by this part of this Order.

Incorporation of Waterworks Clauses Acts.

26. The expression "superior court" or "court of competent jurisdiction"
 35 in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

Interpretation.

Capital.

- 40 27. The share capital of the Undertakers shall not for the purposes of their water undertaking authorised by this part of this Order exceed four thousand

Capital.

A.D. 1895. pounds (in this Order referred to as "the water capital") consisting of the sum of three thousand pounds already raised or authorised to be raised (in this Order referred to as "the original capital") and a further sum (in this Order referred to as "the additional water capital") to be issued subject to the provisions of this Order not exceeding one thousand pounds including any premium which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes additional share capital by Provisional Order under the Gas and Waterworks Facilities Act 1870 or by Act of Parliament.

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Limits of dividend on water capital.

28. The Undertakers shall not in any year or half year in case the Undertakers declare a dividend half-yearly declare or make out of their profits in respect of the water undertaking authorised by this part of this Order any larger dividends on the original and additional water capitals than ten pounds in respect of every one hundred pounds actually paid up of so much of such original water capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional water capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such original water capital or of so much of such additional water capital as may be issued as preference capital.

Dividend on different classes of ordinary shares to be paid proportionately.

29. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the water undertaking of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original and additional water capital of the Undertakers a proportionate reduction shall be made in dividends payable on each class.

Limit of borrowing powers.

30. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their water undertaking authorised by this part of this Order shall not at any time exceed in the whole one fourth of the amount of the water capital of the Undertakers actually raised by issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Acquisition of Lands for Water Purposes.

Power to acquire lands.

31. The Undertakers may by agreement purchase or take on lease and hold in addition to the lands already acquired by them upon which the existing waterworks are situate any lands and any easements rights or privileges not being an easement right or privilege of water in which any person other than the parties to the agreement have any interest in over or affecting any lands which they may require for the purposes of the water undertaking authorised by this part of this Order Provided that they shall not at any time hold for such purposes more than five acres of land in the whole and that they shall not create or permit a nuisance on any lands held by them.

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Persons under disability may grant easements &c. to Undertakers.

32. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege not being an easement right or privilege of water in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Maintenance of Waterworks.

33. The Undertakers on the lands upon which the same are situate so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement may from time to time as they think fit maintain and continue their existing waterworks herein-after described and the works connected therewith with all needful conduits pipes sluices engines engine houses machinery tanks valves apparatus and works connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply. The works herein-before referred to are as follows:—

Maintenance of waterworks.

- (1.) A reservoir now existing upon land belonging or reputed to belong to the Ruthin Charity in the parish of Llanberis in the county of Carnarvon.
- (2.) A reservoir now existing upon land belonging or reputed to belong to George William Duff Assheton Smith Esquire also situate in the said parish of Llanberis.
- (3.) An existing aqueduct or line of pipes commencing at the point marked "A" in the deposited map showing the waterworks and running through the centre of the village of Llanberis to a point marked "B" on the deposited map with branches right and left to the points marked "C" and "D" on the said map all which pipes are on the lands coloured yellow on the said map.
- (4.) An existing aqueduct or line of pipes commencing at the point marked "E" on the deposited map and terminating at the points marked "F" and "F" on the said map which pipes are all on the lands coloured green on the said map.

Construction of Additional Works.

34. The Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans the additional works for protection of existing sources of supply herein-after described.

Power to construct additional works.

The said works will be situate wholly in the parish of Llanberis in the county of Carnarvon and are as follows:—

- (1.) A new intercepting six inch water main to commence from New Pool on the stream called Afongoch shown on the deposited plans and forming one of the present sources of supply and to terminate at the existing reservoir situate upon the said stream.

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(2.) A cut or channel commencing from a point about four yards above the point where the said stream joins the said existing reservoir and terminating at a point in the present channel of the said stream about four yards below the said existing reservoir to form a new channel or bed for the said stream and to divert the same from the said existing reservoir.

5

Limits of
deviation.

35. In constructing the additional works authorised to be constructed by this Order the Undertakers may deviate from the lines thereof to any extent within the limits of deviation shown on the deposited plans but in no case beyond the middle of any road shown on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided always that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections.

10

Period for
completion of
additional
works.

36. The additional works authorised to be constructed by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this part of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery reservoirs tanks wells pipes and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

15

20

Supply.

Limits of
pressure.

37. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoirs authorised by this Order.

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Rates for
supply for
domestic
purposes.

38. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified that is to say :—

30

Where the rateable value of the premises so supplied with water does not exceed four pounds the sum of one penny half-penny per week or six shillings and sixpence per annum.

Where such rateable value exceeds four pounds but does not exceed eight pounds the sum of twopence per week or eight shillings and eightpence per annum.

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Where such rateable value exceeds eight pounds but does not exceed twelve pounds the sum of twopence halfpenny per week or ten shillings and tenpence per annum.

Where such rateable value exceeds twelve pounds the sum of one shilling and threepence in the pound.

40

And so in proportion for any shorter period in each case provided that in any case of any inn or hotel (public or private) so supplied with water the rateable

value of which exceeds fifteen pounds the Undertakers shall be entitled to demand and take in respect of such supply at a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period. Provided also that the Undertakers shall

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- 5 not be compellable to furnish any such supply as aforesaid for any less sum than six shillings and sixpence in any one year nor for a less period than twelve months and that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale of rates than they would be entitled to demand if such house
- 10 or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

- Provided also that at any time after the expiration of ten years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of
- 15 supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing (after hearing the parties) signed by a Secretary or an Assistant Secretary of the said Board alter the said rates by substituting any other rates for the said rates and as from the date specified in such Order the rates at which the Undertakers may charge for
- 20 water supplied by them for domestic purposes shall be in accordance with such Order.

- A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be *prima facie* evidence of the due making and validity of the same and of the
- 25 contents thereof.

- The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such
- 30 rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

39. The Undertakers may charge for and in respect of every watercloset beyond the first (in respect of which no additional charge shall be made) in
- 35 any premises within the limits of supply an additional sum not exceeding two shillings and sixpence per annum and for every bath an additional sum not exceeding five shillings per annum. Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an additional sum in excess of the said sum of five shillings
- 40 increased in proportion to the size of such bath but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for
waterclosets
&c.

- 45 40. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford

Power for
Undertakers
to make
regulations

A.D. 1895. and do in fact afford or are prepared on demand to afford a constant supply
The said provisions are as follows:—

Llanberis.
for preventing
waste misuse
and con-
tamination
of water.

- (1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make 5 nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things 10 before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.
- (2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local 15 Government Board who are hereby empowered to confirm the same.
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits 20 of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be 25 delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers 30 and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.
- (6.) In case of failure of any person to observe such regulations as are for 35 the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by 40 such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

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41. The Undertakers shall when required supply the road authority within the meaning of section 2 of the Gas and Water Works Facilities Act 1870 and every local authority within the limits of supply with water for watering roads and streets and for flushing sewers and drains or other public purposes at a rate not exceeding one shilling for every one thousand gallons.

Undertakers
to supply
water to road
and sewer
authorities.

42. The Undertakers may from time to time by agreement supply any local authority or any company authorised to supply water outside the limits of supply with water in bulk upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Undertakers and authority or company but notwithstanding any such agreement no such authority or company shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this part of this Order and every such agreement shall be by virtue of this part of this Order determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Power to
supply water
in bulk within
or without
limits of
supply.

43. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of
water by
measure.

44. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers
to keep meters
&c. in repair.

45. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and

Register of
meters &c
to be evidence.

A.D. 1895.

Llanberis.

the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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Amendment of
10 & 11 Vict.
c. 17, s. 44.

46. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this part of this Order have effect as if the words "with the consent in writing" of the owner or reputed owner of any such house or of the agent of such "owner" were omitted therefrom. Provided that any rent paid by an occupier in pursuance of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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When several
houses sup-
plied by one
pipe each to
pay.

47. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the waterworks of the Undertakers by a distinct pipe. Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

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Supply of
water to
tenements in
a row.

48. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

25

Penalties.

Injuring
meters &c.

49. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instruments for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipes meter instrument or fittings.

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50. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this part of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

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Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

51. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

52. The Undertakers shall keep separate annual accounts with respect to their water undertaking authorised by this part of this Order showing the amount of their paid up capital in relation to such undertaking and such account shall in all respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

Separate accounts to be kept in respect of water undertaking.

PART IV.—GENERAL PROVISIONS APPLYING TO GAS AND WATER UNDERTAKINGS.

20.

53. The local authority for the time being within the meaning of that term in the Public Health Act 1875 of the district within which the undertaking is situate may at any time within six calendar months after the commencement of this Order by three months notice in writing under their common seal addressed to the Undertakers require the Undertakers to sell and thereupon the Undertakers shall sell and the local authority shall subject to the sanction of the Local Government Board purchase the gas and water undertakings or the water undertaking as the case may be upon terms of the local authority paying such price as may be agreed on or paying the then value of all lands buildings works powers rights materials and plant effects and property of the Undertakers held or used by them for the purpose of the undertakings or undertaking as the case may be such value to be in case of difference referred to arbitration and the provisions of sections 179 and 180 of the Public Health Act 1875 shall as nearly as may be applied thereto as though such difference were by that Act authorised or directed to be settled by arbitration. Provided that unless both parties concur in the appointment of a single arbitrator they shall before the arbitrators enter upon the reference make application to the Board of Trade to nominate an engineer or other fit person as umpire and the expenses of the reference shall be borne and paid as the umpire directs.

Purchase of undertakings by local authority.

40 Provided that the value of such lands buildings works powers rights materials and plant effects and property shall be deemed to be their fair market value at the time of the purchase due regard being had to the nature and then condition

A.D. 1895. of such buildings works materials and plant effects and property and to the state
 of repair thereof and to the circumstance that they are in such a position as to
Llanberis. be ready for immediate working and to the suitability of the same for the
 purposes of the undertakings or undertaking as the case may be but in fixing
 the price to be paid under this section no additional price (except for the cost 5
 of obtaining this Order and of the confirmation thereof by Parliament) shall be
 awarded by reason of the undertakings or undertaking as the case may be
 having been authorised by this Order.

The Board of Trade may determine any other question which may arise in
 relation to such purchase and may fix the date from which such purchase is to 10
 take effect and from and after the date so fixed or such other date as may be
 agreed upon between the parties all lands buildings works materials and plant
 effects and property and all rights powers and privileges of the Undertakers
 (except powers of raising and borrowing money) so purchased shall be by deed
 duly stamped assigned to and shall vest in and be exercisable and enjoyed by the 15
 local authority subject to all the same obligations and duties with regard to the
 supply of gas or water as were attached thereto prior to the said date.

Any purchase of the undertakings or undertaking as the case may be by a
 local authority shall be deemed to be made under sections 51 and 162 of the
 Public Health Act 1875 and any local authority may for the purpose of such 20
 purchase exercise all the powers of borrowing which they possess under the
 said Act and all provisions for repayment of money formation of sinking fund
 and audit of accounts shall apply as if it were a case of expenditure by the local
 authority under the said Act.

New shares to
 be offered by
 auction or
 tender.

54. The Undertakers shall when any shares forming part of the additional 25
 gas capital or the additional water capital are to be issued and before offering
 the same to any holder of any other share or stock of the Undertakers offer the
 same for sale by public auction or tender in such manner at such times and
 subject to such conditions of sale as the Undertakers may from time to time by
 special resolution determine provided that at such sale no single lot shall comprise 30
 more than one hundred pounds nominal value of shares and that the reserve
 price put upon such shares shall not be less than the nominal amount
 thereof and notice of the amount of such reserve price shall be sent by the
 Undertakers in a sealed letter to the Board of Trade not less than twenty-four
 hours before the day of auction or the last day for the reception of tenders as 35
 the case may be and such letter may be opened after such day of auction or
 last day for the reception of tenders as the case may be and not sooner and
 provided that no priority of tender shall be allowed to any holder of shares or
 stock of the Undertakers.

Where pro-
 prietor tenders
 same amount
 as any other
 person pro-
 prietor to be
 declared the
 purchaser.

55. Where the amount bidden or tendered by the proprietor of any share or 40
 stock of the Undertakers for any such lot of shares so offered for sale by auction
 or tender under the provisions of this Order is equal to the highest amount
 bidden or tendered for the same lot by any person not being a proprietor then
 and in every such case such proprietor shall be declared to be the purchaser of
 and to be entitled to such lot.

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Purchase money of shares to be paid within three months.

As to notice to be given of sale of shares.

56. It shall be one of the conditions of every sale of shares under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

5 57. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders
10 as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

58. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve
15 price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by
20 public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of such shares or stock) and any shares or stock not then sold shall be
25 again offered to the holders of ordinary shares or ordinary stock at the last mentioned reserve price and so from time to time until the whole amount of such shares or stock is sold.

Shares not sold by auction or tender to be offered to shareholders.

59. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the
30 expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

35 60.—(1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the London and North Western Railway shall so far as they may affect the London and North Western Railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the
40 reasonable satisfaction of the engineer for the time being of the London and North Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same
45 manner and under the like conditions.

For protection of the London and North Western Railway Company.

A.D. 1895.

Llanberis.

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3.) The Undertakers shall at all times keep the London and North Western Railway Company indemnified against all damage losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes. 5

As to pipes,
&c. crossing
the works of
a railway or
other
company.

61. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for gas or water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer or other competent person to be appointed by the Board of Trade at the request of either party. 10

Several sums
in one
summons.

62. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.

Warrant of
distress to
include costs.

63. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such Justice and shall be included in the warrant of distress for the recovery of such money. 20

Liability to
water rate not
to disqualify
justices from
acting.

8 Vict. c. 6.
s. 140. incor-
porated.

64. No judge of any county court or justice of the peace shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. 25

65. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purposes of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers. 30

Costs of Order.

66. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

All that piece or parcel of land belonging or reputed to belong to the Undertakers and now in the occupation of the Undertakers situate in Goodman Street Llanberis in the county of Carnarvon containing seventeen hundred square yards or thereabouts and having a frontage to Goodman Street of fifty yards or thereabouts on which piece of land the existing gas works are situate. 35

SCHEDULE B.

A.D. 1895.

Llanberis.

Part II. of the foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of Part II. of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive have been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet.

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the gas capital of the Undertakers as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up gas capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up gas capital and so in proportion for any fraction of one hundred pounds.

(iii.) If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up gas capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts

If profits exceed amount limited excess may be invested and form an insurance fund.

A.D. 1895.

Llanberis.

to a sum equal to one-twentieth part of the paid up gas capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers in respect of their gas undertaking from accident strike or other circumstance affecting the gas undertaking which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up gas capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the gas undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the gas undertaking for the next following year.

Power to create a reserve fund and application thereof.

(v.) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividends over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the gas undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers in respect of their gas undertaking are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the gas undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

NEWARK GAS.

A.D. 1895.

Newark.

Order empowering the Newark Gas Company to raise additional Capital to extend their Limits of Supply to construct and maintain additional Works and for other purposes.

- 5 1. This Order may be cited as the Newark Gas Order 1895. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.
- 10 3. The Newark Gas Act 1866 (in this Order referred to as "the Act of 1866") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from and after the commencement of this Order sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Act of 1866 and section 35 of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Act be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the
- 15 provisions of this Order might lawfully be carried to the insurance fund.
- 20 4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say)—
- The distribution of the capital of the Company into shares ;
- 25 The transfer or transmission of shares ;
- The payment of subscriptions and means of enforcing the payment of calls ;
- The forfeiture of shares for nonpayment of calls ;
- The remedies of creditors of the Company against shareholders ;
- 30 The borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;
- 35 and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon
- 40 lands by the promoters of the undertaking) are (except where expressly varied by this Order) incorporated with and form part of this Order.
- For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Construction
of Order.Incorporation
of Acts.

A.D. 1895.

Newark.
Application of
Gasworks
Clauses Act
1871 to
undertaking.

5. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act 1871 (save as far as the same may be expressly varied or excepted by this Order) and the said provisions save as aforesaid shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order and shall be held to control and supersede such of the provisions of the Act of 1866 as are inconsistent therewith. 5

Interpretation.

6. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Act of 1866 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order the expression "A shares" means Class A shares in the existing capital of the Company the expression "B shares" means Class B shares in the existing capital of the Company the expression "new ordinary shares" means the new ordinary shares in the existing capital of the Company created and issued under the powers of the Act of 1866 and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings. 10 15

Limits of
supply.

7. Subject to the proviso herein-after contained the Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Balderton Barnby Farndon Hawton Kelham West Newark and Winthorpe all in the county of Nottingham all such and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1866 as defined or authorised by that Act and the expression "limits of this Act" in the said Act shall from and after the commencement of this Order be deemed to include all the aforesaid parishes. Provided always that nothing in this Order contained shall be construed as conferring on the Undertakers any powers of supplying gas in any parish within the said new limits unless and until the local authority of such parish shall have first signified to the Undertakers their consent in writing to the exercise by the Undertakers of those powers. 20 25 30

Undertakers.

Undertakers.

8. The Newark Gas Company re-incorporated by the Act of 1866 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." 35

Application of
accumulated
profits.

9. The Undertakers shall immediately on the commencement of this Order transfer to the credit of the capital account of the Undertakers the sum of four thousand pounds part of the sum of seven thousand and ninety pounds shown by the annual accounts of the Undertakers for the year ended 30th June 1894 to be standing to the credit of the profit and loss (net revenue) account and such sum of four thousand pounds shall not be considered as capital of the Undertakers entitled to dividend or as available for distribution as profits of the Undertakers. 40 45

10. In addition to the capital of the Undertakers declared and authorised by the Act of 1866 (in this Order referred to as "the existing capital") they may from time to time—

A.D. 1895.

Newark.
Additional
capital.

- (1) raise any further sums not exceeding in the whole ten thousand pounds
5 by the issue of ordinary shares or stock or preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the
10 authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal
15 amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of ten thousand pounds; and
- (2) Borrow forthwith in respect of the existing capital any sum or sums not exceeding in the whole seven thousand five hundred pounds.
- (3) Borrow in respect of the additional capital of ten thousand pounds by
20 this Order authorised to be raised any sum or sums not exceeding in the whole two thousand five hundred pounds but not more than one half of that sum shall be borrowed until the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies
25 Clauses Consolidation Act 1845 before he so certifies that the whole of the capital by this Order authorised to be raised has been subscribed for and one half of the amount payable in respect thereof has been paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate
30 that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

11. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers
35 provisions liabilities rights privileges and incidents whatsoever in all respects as if that additional capital were part of the existing capital of the Undertakers of the same class or description and the shares or stock therein were shares or stock in that capital.

Except as
otherwise
provided shares
or stock in
additional
capital to be
subject to the
same incidents
as other shares
or stock.

12. The Undertakers shall when any shares or stock forming part of the
40 additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special
45 resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and

New shares or
stock to be
offered by
auction or
tender.

A.D. 1895.

Newark.

that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers. 5

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

13. When the amount hidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock. 10

Purchase money of capital sold by auction to be paid within three months.

14. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers at such time not being later than three months from the date of the sale as may be prescribed in the conditions of sale. 15

Notice to be given of sale of shares or stock.

15. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 20 25

Shares or stock not sold by auction or tender to be offered to shareholders.

16. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any share or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserve price and so from time to time until the whole of such shares is sold. 30 35 40

Application of premium arising on issue of shares or stock.

17. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the 45

Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. A.D. 1895.

Newark.

Limits of dividend on capital.

18. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on their capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of "A" shares five pounds in respect of every one hundred pounds of "B" shares and seven pounds in respect of every one hundred pounds actually paid up of new ordinary shares and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

19. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividends are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and additional capital of the Undertakers the same shall be equally and rateably divided among the holders of each class of ordinary shares or ordinary stock until the prescribed rates have been paid on the "B" shares and thereafter among the holders of the "A" shares new ordinary shares and additional capital until the prescribed rates have been paid on the new ordinary shares and the additional capital and thereafter among the holders of the "A" shares."

Dividends of different classes of shares or stock to be paid rateably.

20. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the date of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

21. All mortgages granted by the Undertakers under the authority of the Act of 1866 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall rank *pari passu*.

Existing mortgages to have priority.

22. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of interest on moneys borrowed.

A.D. 1895.

Newark.
Appointment
of a receiver.

23. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order. 5

If profits
exceed the
amount limited
excess may be
invested and
form an in-
surance fund,

24. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had from time to time to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid. 10 15 20 25

Application of
further excess
of profits over
prescribed
rates.

25. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year. 30

Power to create
a reserve fund
and application
thereof.

26. Where in any year the prescribed rates on the ordinary shares or stock in the existing and additional capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend over the standard rates the Undertakers may in such year set apart such sums as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the 35 40 45

Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

A.D. 1895.
Newark.

27. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable and the Company may apply for the purposes of this Order any money which they have in hand or may raise under the powers of the Act of 1866.

Application of money.

Purchase of Lands.

28. The Undertakers may in addition to the lands authorised to be acquired and held by the Company under the authority of the Act of 1866 from time to time purchase or take on lease (by agreement but not otherwise) and hold

Purchase of lands by agreement.

- (a) the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed and
 (b) any other lands which they may require for the purposes of the Undertaking. Provided that they shall not create or permit a nuisance thereon.

- Provided that the Undertakers shall not at any one time hold for the purposes of their Undertaking under the authority of this Order more than three acres of land in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands which the Undertakers are by this Order and the Act of 1866 expressly empowered so to use.

Lands for Construction of Gasworks.

29. The lands on which the Undertakers are by section 37 of the Act of 1866 authorised to erect works for the manufacture and storage of gas shall be deemed to be the lands described in that Act within the meaning of section 5 of the Gasworks Clauses Act 1871 and the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed when they have acquired and while they are possessed of the same from time to time construct erect make and maintain alter and enlarge gasholders receivers meters apparatus and works for the storing of gas and of coke and they may subject to the provisions of this Order store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store tar coke pitch asphaltum and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking. Provided always that the Undertakers shall not on any of the lands described in the schedule to this Order annexed manufacture or purify gas or any residual product obtained in the manufacture of gas or store on such lands any offensive matter and the Undertakers shall not on any such lands erect or maintain any gasholder or other building by this Order authorised of a greater height than seventy feet.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

A.D. 1895.

Newark.
Power to make
gas meters &c.

30. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof. 5

Power to
contract for
sale of gas
in bulk.

31. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district. 10 15

For protection
of the Midland
Railway
Company.

32. Any mains pipes culverts or other works which the Undertakers may lay down or execute under or over or which may affect any railway works or property of the Midland Railway Company shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Midland Railway Company and in accordance with plans and sections (when necessary in the opinion of such principal engineer) previously submitted to and approved of by him. 20 25

Differences
with railway
and other
companies.

33. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. 30

Quality of Gas.

Quality of gas.

34. Notwithstanding anything contained in the Act of 1866 from and after the first quarter day next after the commencement of this Order the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. 35 40

Price of Gas.

Fixing price
of gas with
sliding scale as
to dividend.

35. From and after the first quarter day next after the commencement of this Order section 61 of the Act of 1866 shall be repealed and as from that date the standard price to be charged by the Undertakers for gas supplied by them

A.D. 1895.

Newark.

to private consumers by meter within the municipal borough of Newark shall be two shillings and elevenpence per thousand cubic feet and to consumers by meter outside the said borough three shillings and fivepence per thousand cubic feet Provided always that the price so to be charged by the Undertakers
 5 in any part of their limits which is outside the said borough shall not exceed by more than sixpence per thousand cubic feet the price for the time being charged within the said borough Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the
 10 ordinary shares or stock in the existing and additional capital (other than the B. shares) as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by
 15 which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by
 20 which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any
 25 fraction of one hundred pounds.

Pressure of Gas.

36. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height and to balance from sunset
 30 to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

Testing Gas.

37. Sections 62 63 64 and 65 of the Act of 1866 are hereby repealed and
 35 the existing testing place at the works of the Undertakers shall be provided with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and shall be the testing place within the meaning of that Act and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six inch by one and three-quarter inch glass chimney and if at any time the
 40 gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at

Testing gas.

A.D. 1895. *Newark.* such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority Before testing the pressure elsewhere than at such testing place two hours' notice shall be given to the Undertakers of the time and place at which such testing shall be conducted. 5

Notice of testing.

38. Any local authority having jurisdiction for the purposes of the Gasworks Clauses Act 1871 in that respect within the limits of supply of the Undertakers shall give to the Undertakers at their office half an hour's notice in writing of their intention to make testings of the purity and illuminating power of the gas supplied by the Undertakers in order to enable the Undertakers to be represented at such testing by their engineer or other competent person. 10

Miscellaneous.

15

Exemptions from penalty in certain cases.

39. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

40. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 20 25

Power to lay pipes in streets not dedicated to public use.

41. The Undertakers may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are respectively applicable shall extend and apply mutatis mutandis to and for the purposes thereof. 30 35

Notice by consumers of intention to discontinue gas supply.

42. Any consumer desiring to discontinue a supply of gas to any premises where a meter has been fixed for his use shall give to the Undertakers notice of his desire and shall be liable to pay and shall pay to the Undertakers for all gas registered by such meter up to and until the expiry of forty-eight hours from the giving of such notice Any such notice shall be in writing and shall be left at or sent by post to the principal office of the Undertakers. 40

Power to refuse to supply persons in debt for other property.

43. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas rates or meter rent or other moneys due from him to the

Undertakers they may refuse to furnish to him a supply of gas until he pays the same. A.D. 1895.

44. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the current quarter of the year in which the said meter shall be so tested. *Newark.*
Period of error in defective meters.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rates are recoverable by the Undertakers.

45. The Undertakers may if they think fit allow discounts or rebates not exceeding in any case twenty per cent. to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by the Undertakers provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers. Discounts.

46. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Costs of Order.

SCHEDULE.

Gas Lands.

Certain lands in the borough and parish of Newark and county of Nottingham containing one thousand eight hundred and twenty square yards or thereabouts including the site of a bakehouse stable and outbuildings thereon belonging or reputed to belong to William Lamb of Newark-upon-Trent in the county of Nottingham millwright and occupied by Robert Littler lying between the northern boundary of the house and garden known as No. 15 Whitfield Street and the old gasworks of the Undertakers which lands are bounded on the western side by Whitfield Street aforesaid and on the east by property belonging or reputed to belong to and occupied by W. N. Nicholson Esq. J.P.

ROTHWELL GAS.

Rothwell.

Order empowering the Rothwell Gas Light Company to extend their Limits of Supply and to purchase additional Lands.

1. This Order may be cited as the Rothwell Gas Order 1894.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming the Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

A.D. 1895.

Rothwell.
Construction
of Order.

3. The Rothwell Gas Act 1882 (in this Order referred to as "the Act of 1882") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the terms of this Order.

Incorporation
of Acts.

4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Undertakers) and of the Gasworks Clauses Act 1847 subject to the provisions of the Act of 1882 and of the Gasworks Clauses Act 1871 are (except when expressly varied by this Order) incorporated and form part of this Order and the said provisions of the said Gasworks Clauses Act shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as extended and defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

5. The expression "the prescribed rates" means the rates of dividend authorised by the Act of 1882 on the capital of the Undertakers authorised to be raised by the Act of 1882 or such rate as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Undertakers.

6. The Rothwell Gas Light Company incorporated by the Act of 1882 shall be the Undertakers for the purposes of this Order and are in this Act referred to as "the Undertakers."

Extension of
limits of
supply.

7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely within such parts and precincts of the township of Oulton with Woodlesford in the county of York together with such part of the township of Rothwell situate near to the boundary of the Oulton with Woodlesford township as is not included in the Act of 1882 And also so much of the township of Swillington in the said county as consists of the highway known as the Wakefield and Aberford Road as far as the Lodges Gates up to and including a point opposite to the south-west entrance of Swillington Park Also so much of the Thorpe and Lofthouse with Carlton townships as are now comprised in the urban district of Rothwell Urban District Council but are not included in the Act of 1882 The boundary on the north portion of the Thorpe with Lofthouse township commences with a footpath across the 'Throstle Carr Beck and continues westwards to Dolphin Beck and along the north side of that beck and thence along the north side of the boundary line between the townships of Lofthouse with Carlton and East Ardsley to its junction with the district comprised in the said Act at Lingwell Gate as are not included within the limits of the Act of 1882 as defined and authorised by that Act all and the like powers privileges and authorities for

and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of the Act of 1882 and the expression "limits of this Act" in the said Act shall from and after the commencement of this Order be deemed to include the said new limits.

A.D. 1895.
Rothwell.

8. Notwithstanding anything contained in the Act of 1882 moneys raised under the Act of 1882 may be applied for the purposes of this Order and the expression in the Act of 1882 "the purposes of this Act" shall from and after the commencement of this Order be deemed to include the purposes of this Order.

Power to apply capital.

9. Notwithstanding anything in the Act of 1882 the Undertakers may for the purposes of the Act of 1882 and of this Order from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the Schedule A. to this Order annexed and in the schedules to the Act of 1882 any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedules and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedules.

Power to purchase additional lands by agreement.

10. Notwithstanding anything in the Act of 1882 the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the Schedule A. to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge or renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of the Act of 1882 and the limits as extended by this Order and may on the same lands manufacture and store tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the purposes of the Act of 1882 and of this Order.

Undertakers may maintain and continue gasworks and construct new gasworks on lands described in schedule and may make and sell gas &c.

11. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads and county and main road bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say)—

For the protection of the West Riding County Council.

(1.) All mains pipes or works to be laid in or along any main road after the confirmation of this Order (not being renewals of existing mains or pipes)

A.D. 1895.

Rothwell.

shall be laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be laid in or upon or across any county or main road bridge or any arch connected therewith respectively but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered. 5

- (2.) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work (except in the case of emergency arising from defect in any pipes and then as soon as is possible after the necessity for the same shall have arisen). 10 15

Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof. 20

- (3.) The works shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch.

- (4.) The Undertakers shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised. 25

- (5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times to divert or improve any such main road and also to remove alter or renew any such county or main road bridge or the approaches thereto in alongside or near to which the said line of pipes or works is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been passed and such line of pipes or works had not been constructed or laid in alongside or near to such main road or bridge respectively without making compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto alongside or near to which the said line of pipes or works is laid being diverted or improved removed altered or renewed as aforesaid the Undertakers shall at their own expense alter the position of the works by which such line of pipes or works is carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor to the said council Provided that during the diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the council 30 35 40 45

shall afford at the cost of the Undertakers all reasonable facilities for temporarily carrying such line of pipes or works along the main road or across the stream so as not to interrupt the continuous supply of gas. A.D. 1895.
Rothwell.

5 (6.) If any difference arise between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

10 12. Section 57 of the Act of 1882 (for the protection of Edmund Calverley) shall apply in all respects as well to anything done or to be done within the said new limits as to anything done or to be done within the limits of supply as defined by the Act of 1882 and as if the said section had been repeated in this Order. For the protection of
Edmund
Calverley.

15 13. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or other works in over or upon
20 such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. Differences
with railway
and other
companies.

14. From and after the first quarter day after the commencement of this Order section 64 of the Act of 1882 shall be repealed and the quality of gas
25 supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. Quality of gas.

15. From and after the first quarter day after the commencement of this Order section 29 shall be repealed and subject to the provision herein-after contained the price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied Provided that any time after the expiration of three years from the commencement of this Order the Board of
35 Trade may if they think fit by order in writing signed by a Secretary or Assistant Secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and ninepence or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the
40 price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed

A.D. 1895. accordingly A copy of such Order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Rothwell.

Costs of Order. 16. All the costs charges and expenses of and incidental to the applying for 5 preparing obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

A plot of land containing 1408 square yards or thereabouts situate in the township of Woodlesford in the west riding of the county of York and being 10 on the south side of Wakefield and Aberford Turnpike Road leading from Woodlesford to Swillington and which said plot of land is bounded on or towards the north-west and north-east by property belonging or reputed to belong to Edward Oddie Esq. and on or towards the south-west by property belonging or reputed to belong to Bentley's Yorkshire Breweries Company 15 Limited the whole of which said land is already in the possession of the said Rothwell Gas Light Company.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing 20 a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the Act 25 of 1882 and the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the 30 foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund:

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board 35 of Trade as aforesaid per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or

increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

A.D. 1895.

Rothwell.

5 In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds :

10 And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds :

(iii.) If the clear profits of the undertaking in any year amount to a larger sum that is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid up capital of the Undertakers be invested in
20 Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim
25 demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction
30 happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may
35 have been reduced below the full amount of one twentieth as aforesaid :

If profits exceed amount limited excess may be invested and form an insurance fund.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year :

Application of further excess of profits over prescribed rates.

40 (v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such

Power to create a reserve fund and application thereof.

A.D. 1895. year set apart such sum as they think fit by way of a reserve fund and all sums
 Rothwell. (if any) so set apart by the Undertakers and any reserve or other fund of a
 similar character of the Undertakers existing at the specified date in relation to
 the undertaking may be invested in Government or other securities and the
 dividends and interest arising from such securities may also be invested in the 5
 same or the like securities in order that the same may accumulate at compound
 interest and the fund so formed shall be called "the reserve fund" and shall be
 applicable to the payment of dividend in any year in which the clear profits of
 the Undertakers shall be insufficient to enable the Undertakers in such year to
 pay the prescribed rates and save as by this schedule specially provided no 10
 sum shall in respect of the undertaking in any year be carried by the
 Undertakers to any reserve fund:

Saving of
 existing
 contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any
 contract or agreement duly made or any liability incurred or notice given
 before the specified date with respect to the gasworks of or the supply of gas 15
 by the Undertakers,

Gas and Water Orders Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional
 Orders made by the Board of Trade
 under the Gas and Water Works
 Facilities Act 1870 relating to Lan-
 beris Gas and Water Newark Gas and
 Rothwell Gas.

(Brought from the Lords, 27 June 1895).

Ordered, by The House of Commons, to be Printed,
 27 June 1895.

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[Price 4d.]

[Bill 328.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Barnstaple Gas Bognor Gas Felixstowe Gas and Kildwick Parish Gas. A.D. 1895.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Gas Orders Confirmation Act 1895. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were Special provisions as to houses of the labouring class.

[Bill 327.]

A

A.D. 1895. occupied either wholly or partially by persons belonging to the
 --- labouring class as tenants or lodgers or except with the consent
 of the Local Government Board ten or more houses which were not
 so occupied on the said fifteenth day of December but have been
 or shall be subsequently so occupied. 5

For the purposes of this section the expression "labouring class"
 includes mechanics artisans labourers and others working for
 wages hawkers costermongers persons not working for wages but
 working at some trade or handicraft without employing others 10
 except members of their own family and persons other than
 domestic servants whose income does not exceed an average of
 thirty shillings a week and the families of any of such persons who
 may be residing with them.

SCHEDULE OF ORDERS.

BARNSTAPLE GAS.—Order empowering the Barnstaple Gas Company to raise 15
 additional capital.

BOGNOR GAS.—Order empowering the Bognor Gaslight and Coke Company
 Limited to construct additional works for the manufacture and storage of
 gas and for other purposes.

FELIXSTOWE GAS.—Order empowering the Felixstowe Gaslight Company 20
 Limited to maintain and continue gasworks and to manufacture and
 supply gas in the parishes of Walton and Felixstowe in the county of
 Suffolk.

KILDWICK PARISH GAS.—Order empowering the Kildwick Parish Gas Company
 to raise additional capital. 25

BARNSTAPLE.

A.D. 1895.

Order empowering the Barnstaple Gas Company to raise additional Capital. Barnstaple.

1. This Order may be cited as the Barnstaple Gas Order 1895.

Short title.

5 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

10 3. The Barnstaple Gas Act 1869 (in this Order referred to as "the Act of 1869") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction
of Order.

4 So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say) :—

Incorporation
of Acts.

- 15 The distribution of the capital of the Company into shares ;
The transfer or transmission of shares ;
The payment of subscriptions and the means of enforcing the payment of calls ;
The forfeiture of shares for nonpayment of calls ;
20 The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of borrowed money into capital ;
The consolidation of shares into stock ;
The general meetings of the Company and the exercise of the right of voting
25 by the shareholders ;
The making of dividends ;
The giving of notices ; and
The provisions to be made for affording access to the special Act by all parties interested ;
- 30 And Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

35 For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

40 5. From and after the commencement of this Order the Undertakers shall be subject in all respects to the provisions of the Gasworks Clauses Act 1871 (save so far as the same may be expressly varied or excepted by this Order) and the said provisions save as aforesaid shall apply to the undertaking as though the gasworks and works connected therewith were an undertaking authorised by this Order and shall be held to repeal and supersede such of the provisions of the Act of 1869 as are inconsistent therewith.

Application of
Gasworks
Clauses Act
1871 to under-
taking.

A.D. 1895. 6. The Barnstaple Gas Company incorporated or continued by the Act of
 Barnstaple. 1869 shall be the Undertakers for the purposes of this Order and are in this
 Undertakers. Order referred to as "the Undertakers."

Additional Capital.

Additional
capital.

7. In addition to the capital of the Undertakers authorised by the Act of 1869 5
 (in this Order referred to as "the existing capital") they may from time to
 time—

(1.) Raise any further sums not exceeding in the whole twelve thousand
 pounds by the issue of ordinary shares or stock or preference shares or stock
 or wholly or partly by any one or more of those modes respectively (in this 10
 Order referred to as "the additional capital") but the Undertakers shall not
 issue any share under the authority of this Order of less nominal value than
 ten pounds nor shall any such share or stock issued under the authority of
 this Order vest in the person accepting the same unless and until the full
 price of such share or stock including any premium obtained upon the sale 15
 thereof as herein-after provided has been paid in respect thereof Provided
 that it shall not be lawful for the Undertakers to create and issue under the
 powers of this Order any greater nominal amount of capital than will be
 sufficient to produce including any premium which may be obtained on the
 sale thereof the sum of twelve thousand pounds; and 20

(2.) Borrow on mortgage from time to time in respect of the additional capital
 of twelve thousand pounds by this Order authorised to be raised by the issue
 of shares or stock any sum or sums not exceeding in the whole one fourth
 part of the amount payable in respect of such additional capital at the time
 actually issued including the premiums (if any) realised on the sale thereof 25
 but no part thereof shall be borrowed until shares or stock for so much of
 the additional capital in respect of which such borrowing powers are sought
 to be exercised together with the premiums (if any) realised on the sale
 thereof have been fully paid up and the Undertakers have proved to the
 justice who is to certify under the fortieth section of the Companies Clauses 30
 Consolidation Act 1845 before he so certifies that such shares or stock and
 premiums (if any) have been fully paid up and upon production to such
 justice of the books of the Undertakers and such other evidence as he may
 think sufficient he shall grant a certificate that the proof aforesaid has been
 given which certificate shall be sufficient evidence thereof. 35

As to conver-
sion of bor-
rowed money
into capital.

8. The Undertakers shall not have power to raise the money by this Order
 authorised to be borrowed on mortgage or by the issue of debenture stock or
 any part thereof by the creation of shares or stock instead of borrowing or to
 convert into capital the amount borrowed under the provisions of this Order
 unless in either case the dividends upon such shares or stock whether ordinary or 40
 preference are limited to a rate not exceeding five pounds per centum per
 annum.

Except as
otherwise pro-
vided new
shares or stock
to be subject
to the same
incidents as
other shares or
stock.

9. Except as by this Order otherwise provided the additional capital created
 by the Undertakers under this Order and the shares or stock therein and the
 holders thereof respectively shall be subject and entitled to the same powers 45
 provisions liabilities rights privileges and incidents whatsoever in all respects
 as if that capital were part of the existing capital of the Undertakers of class B

mentioned in the Act of 1869 and the shares or stock were shares in that capital and of that class.

A.D. 1895.

Barnstaple.

New shares
to be offered
by auction or
tender.

10. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of
5 any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds
10 nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter
15 may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

11. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction
20 or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

12. It shall be one of the conditions of any sale of shares or stock under the
25 provisions of this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase
money of
capital sold by
auction to be
paid within
three months.

13. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to
30 the town clerk of Barnstaple and to the clerk of every local authority having jurisdiction within the limits of supply as defined in the Act of 1869 and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the
35 Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply as defined in the Act of 1869.

Notice to be
given of sale
of shares or
stock.

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be
40 offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect
45 to the sale of shares and stock forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of

Shares or
stock not sold
by auction or
tender to be
offered to
shareholders.

A.D. 1895. the shares or stock so offered) and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Barnstaple.

Application of premium arising on issue of shares or stock.

15. Any sum of money which may arise by way of premium from the issue of any shares or stock under the provisions of this Order after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by them and shall not be considered as part of the capital of the Undertakers entitled to dividend. 5 10

Power to issue debenture stock.

16. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the dates of the securities or of any Acts of Parliament orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. 15 20

Existing mortgages to have priority.

17. All mortgages granted by the Undertakers under the authority of the Act of 1869 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1869 have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or this Order shall subject as aforesaid rank *pari passu*. 25 30

Limit of dividend on new capital.

18. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency on such additional capital which shall have fallen short of the said sums of seven pounds and six pounds respectively. 35 40

Limit of interest on borrowed moneys.

19. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order. 45

Appointment of a receiver.

20. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their

mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

A.D. 1895.
—
Barnstaple.

21. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Application of money.

Quality of Gas.

22. From and after the first quarter day next after the commencement of this Order section thirty of the Act of 1869 shall be repealed and as from that day the quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light provided by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

23. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

BOGNOR.

Order empowering the Bognor Gaslight and Coke Company Limited to construct additional Works for the manufacture and storage of Gas and for other purposes.

Bognor.

1. This Order may be cited as the Bognor Gas Order 1895.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of
Order.

3. The Bognor Gas Order 1871 (in this Order referred to as "the Order of 1871") and the Bognor Gas Order 1878 (in this Order referred to as "the Order of 1878") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Provided that from and after the commencement of this Order sections thirty to thirty-four both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Order of 1871 and section thirty-five of the said Gasworks Clauses Act shall for the purpose of incorporation with the Order of 1871 be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Construction
of Order.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Order of 1871 and the Order of 1878 on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which

Interpretation.

A.D. 1895.

Bognor.

by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any Act for the purposes of this Order the expression "the undertaking" shall include the undertaking authorised by the Order of 1871 together with the gasworks and 5 works connected therewith by this Order authorised to be constructed and maintained.

Undertakers.

5. The Bognor Gaslight and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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Power to construct additional works.

6. Notwithstanding anything in the Order of 1871 or the Order of 1878 contained the Undertakers may on the lands shown on the map or plan deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same construct erect and maintain a new gasholder and such machinery apparatus works and buildings as may be necessary for the storing and manufacture of gas and the manufacture or conversion and storing of coke and other residual products obtained in and from the manufacture of gas and matters producible therefrom and may on the same lands store and manufacture gas and all such residual products as aforesaid and supply and sell the same.

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If profits exceed the amount limited excess may be invested and form an insurance fund.

7. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part as aforesaid.

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Application of further excess of profits over prescribed rates.

8. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

9. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional capital authorised to be raised by the Order of 1871 and the Order of 1878 respectively exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Under-

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takers applicable to the payment of the excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

A.D. 1895.

*Bognor.**Quality of Gas.*

10. From and after the next quarter day after the commencement of this Order section 13 of the Order of 1871 shall be repealed and the quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light provided by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

Price of Gas.

11. From and after the next quarter day after the commencement of this Order section 14 of the Order of 1871 shall be repealed and the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and a penny per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original and additional capital authorised to be raised under the Order of 1871 and the Order of 1878 as follows:—

Fixing price
of gas with
sliding scale
as to dividend.

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

12. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

A.D. 1895.

Bognor.

SCHEDULE.

GAS LANDS.

All that piece or parcel of land containing by admeasurement three roods twenty-eight perches or thereabouts belonging to and in possession of the Bognor Gaslight and Coke Company Limited situate in the parish of Bognor in the county of Sussex on the south and west sides of the said Company's gas lands described in Schedule (A) to the Bognor Gas Order 1871 such first-mentioned lands being bounded on the north by the said gas lands and by lands belonging or reputed to belong to Alfred Hays on the east by the said gas lands and by Argyll Street and on the south and west by lands belonging or reputed to belong 10
to the said Alfred Hays.

Felixstowe.

FELIXSTOWE.

*Order empowering the Felixstowe Gaslight Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the Parishes of Walton and Felixstowe in the 15
County of Suffolk.*

Short title.

1. This Order may be cited as the Felixstowe Gas Order 1895.

Commence-
ment of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

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Incorporation
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this 25
Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. 30

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities 35
Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the several parishes of Walton and Felixstowe in the county of Suffolk.

A.D. 1895.

Felixstowe.
Limits of
Order.

Undertakers.

5 6. The Felixstowe Gaslight Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed seventeen thousand pounds consisting of the share capital already raised by the Undertakers of nine thousand pounds (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding eight thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares of the Undertakers.

New shares
to be offered
by auction or
tender.

9. Where the amount bidden or tendered by the proprietor of any share of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Where proprietor bids or tenders same amount as any other person proprietor to be declared the purchaser.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months of such sale.

Purchase money of shares to be paid within three months.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to

Notice to be given as to sale &c. of shares.

A.D. 1895. the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 5

Felixstowe.

Shares not sold by auction or by tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares so offered) and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserve price and so from time to time until the whole amount of such shares are sold. 10 15

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. 20 25

Limits of dividend on capital.

14. Except as in this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said capital than ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of the additional capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital. 30

Dividends on different classes of shares or stock to be paid proportionately.

15. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class. 35

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares including any premiums that may be obtained on sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. 40 45

Purchase of Land.

A.D. 1895.

*Felixstowe.*Power to
purchase addi-
tional land.

17. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A. to this Order any lands which
- 5 they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the
- 10 lands described in the said schedule.

*Maintenance and Continuance of Gasworks—Manufacture and Sale of
Gas Coke and Residual Products.*

18. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the Schedule A. to this Order while
- 15 they are possessed of the same may maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts retort houses gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke
- 20 and ammoniacal liquor and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and may also
- 25 deal in and sell lime at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Undertakers
may maintain
and continue
gasworks on
land described
in schedule
and may make
and sell gas
&c.

19. The Undertakers may at their works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and
- 30 other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and
- 35 remuneration in respect thereof.

Power to
Undertakers
to purchase and
supply gas
appliances and
apparatus.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters
- 40 patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply and distribution of gas or the manufacture of ammoniacal liquor and sulphate of ammonia.

Power to take
licences for
use of patents.

21. The Undertakers may from time to time enter into and fulfil and may
- 45 alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural authority or any company

Power to
contract for
sale of gas
in bulk.

A.D. 1895. authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on. Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district. 5

For the protection of the Felixstowe and Walton Urban District Council.

22. For the protection of the Felixstowe and Walton Urban District Council (in this section referred to as "the district council") the following provision shall have effect :—

As to the roads and streets within the area of the urban district of Felixstowe and Walton the Undertakers shall give to the surveyor of the district council twenty-four hours previous notice in writing of their intention to break up any of the roads or streets and shall also state in such notice the probable time at which the laying down repairing altering or enlarging their mains pipes or other works will be completed and the excavations or openings ready to be filled in and the said surveyor shall do the work of filling in and making good the said works and providing all necessary material therefor and the Undertakers shall reimburse the district council the reasonable cost therefor. 10 15

Difference with road authorities or railway or other companies.

23. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. 20 25

Quality of Gas.

Quality of gas. 24. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. 30

Price of Gas.

Price of gas. 25. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and three pence per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and three pence or by giving a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order. Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from 35 40

the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such

5 Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

A.D. 1895.

*Felixstowe.**Pressure of Gas.*

26. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of

10 water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

Testing Gas.

15 27. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London argand No. 1 with a six-inch by one-and-three-quarter inch glass chimney and if at any time the gas flame

20 tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing

25 place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Testing gas.

Miscellaneous.

30 28. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Exemption from penalty in certain cases.

35 29. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposit.

40 30. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers,

8 Vict. c. 16. s. 140 incorporated.

A.D. 1895. 31. All the costs charges and expenses of and incidental to the applying for
Felixstowe. preparing obtaining and confirming this Order and otherwise in relation thereto
 Costs of Order. shall be paid by the Undertakers.

SCHEDULE A.

GAS LANDS.

5

A piece of land belonging or reputed to belong to the Undertakers situate in the parish of Felixstowe in the county of Suffolk containing by admeasurement one acre or thereabouts upon which the works of the Undertakers are erected bounded on the north by Station Road leading to a private way known as Walton Avenue Felixstowe on the east by land belonging or reputed to belong to the 10
 Great Eastern Railway Company forming the site of their railway to Felixstowe Dock and on the south and west sides by lands belonging or reputed to belong to Captain Ernest George Pretymann of Orwell Park in the county of Suffolk.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order 15
 in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to
 34 of Gasworks
 Clauses Act
 1847 to cease
 to be incor-
 porated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 20
 1847 shall not continue to be incorporated with or to form part of the fore-
 going Order and in construing the said Act for the purposes of the foregoing
 Order section thirty-five of the said Act shall be read and construed as though
 the words from "in case the whole" down to "have been paid" all inclusive
 had been omitted therefrom and as though the expression "the prescribed 25
 rate" included the prescribed rates as defined by the foregoing Order together
 with any sum which under the provisions of this schedule might lawfully be
 carried to the insurance fund.

Price of gas
 with sliding
 scale as to
 dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard 30
 price to be charged by the Undertakers for gas supplied by them to private
 consumers by meter shall be the price prescribed by such order of the Board
 of Trade as aforesaid per thousand cubic feet.

Provided that the Undertakers may increase or reduce the price so charged
 by them for gas above or below the standard price subject to a reduction or
 increase in the dividend payable by the Undertakers on the ordinary share 35
 capital or stock as follows :—

In respect of any year during which the price charged by the Under-
 takers shall have been one penny or more above the standard price
 the dividend payable by the Undertakers shall in respect of each
 penny by which the price shall have been increased be reduced 40
 below the standard rate of dividend by five shilling on every hundred

pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

A.D. 1895.

Felixstowe.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

- 10 (iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest
- 15 arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise
- 20 against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and
- 25 so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or
- 30 may have been reduced below the full amount of one-twentieth as aforesaid.

If profits exceed amount limited excess may be invested and form an insurance fund.

- (iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of further excess of profits over prescribed rates.

- 35 (v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may
- 40 in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities
- 45 may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed

Powers to create a reserve fund and application thereof.

A.D. 1895.

*Felixstowe.*Saving of
existing
contracts.

rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given 5 before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

KILDWICK PARISH.

Kildwick. Order empowering the Kildwick Parish Gas Company to raise Additional Capital. 10

Short title.

1. This Order may be cited as the Kildwick Parish Gas Order 1895.

Commence-
ment of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction
of Order.

3. The Kildwick Parish Gas Act 1876 (in this Order referred to as "the 15 "Act of 1876") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order the expression "the prescribed rates" means the rates of dividend authorised by the Act of 1876 and this Order on the capital of the Undertakers raised under the Act of 1876 and this Order or such rate as reduced or increased 20 in accordance with the provisions of this Order.

Incorporation
of Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say) :—

The distribution of the capital of the Company into shares ; 25

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ; 30

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting 35 by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provisions to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to the cancellation and surrender of shares) and Part II. 40 (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers. A.D. 1895.
Kildwick.

Undertakers.

- 5 5. The Kildwick Parish Gas Company incorporated by the Act of 1876 shall Undertakers.
be the Undertakers for the purposes of this Order and are in this Order
referred to as "the Undertakers."

Capital.

6. In addition to the capital already authorised to be raised by the Undertakers Additional
capital.
10 under the Act of 1876 (in this Order referred to as "the original capital")
they may from time to time—

- (1.) Raise any further sums not exceeding in the whole sixteen thousand
pounds by the issue of new ordinary shares or stock or new preference
shares or stock or wholly or partly by any one or more of those modes
15 respectively (in this Order referred to as "the additional capital") but the
Undertakers shall not issue any share under the authority of this Order of
less nominal value than ten pounds nor shall any such share or any stock
issued under the authority of this Order vest in the person accepting the
same unless and until the full price of such share or stock including any
20 premium obtained upon the sale thereof as herein-after provided has been
paid in respect thereof Provided that it shall not be lawful for the Under-
takers to create and issue under the powers of this Order any greater
nominal amount of capital than will be sufficient to produce including any
premiums which may be obtained on the sale thereof the sum of sixteen
25 thousand pounds.

- (2.) Borrow on mortgage in respect of the additional capital of sixteen thousand
pounds by this Order authorised to be raised by the issue of ordinary or
preference shares or stock any sum or sums not exceeding in the whole one-
fourth part of the amount payable in respect of such additional capital at the
30 time actually issued including the premiums (if any) realised on the sale
thereof but no part thereof shall be borrowed until shares or stock for so
much of the additional capital in respect of which such borrowing powers
are sought to be exercised together with the premiums (if any) realised on
the sale thereof have been fully paid up and the Undertakers have proved
35 to the justice who is to certify under the fortieth section of the Companies
Clauses Consolidation Act 1845 before he so certifies that such shares or
stock and premiums (if any) have been fully paid up and upon production to
such justice of the books of the Undertakers and such other evidence as
he may think sufficient he shall grant a certificate that the proof aforesaid
40 has been given which certificate shall be sufficient evidence thereof.

7. The Undertakers shall not have power to raise the money by this Order
authorised to be borrowed on mortgage or by the issue of debenture stock or any
part thereof by the creation of shares or stock instead of borrowing or to convert
into capital the amount borrowed under the provisions of this Order unless
45 in either case all dividends upon such shares or stock whether ordinary or
preferential are limited to a rate not exceeding five pounds per centum per
annum.

As to con-
version of
borrowed
money into
capital.

A.D. 1895.

Kildwick.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

Dividends on new shares or stock.

Profits of the Undertakers on the additional share capital limited.

Dividends on different classes of ordinary shares to be paid proportionately.

New shares or stock to be offered by auction or tender.

Where proprietor tenders same amount as any other person pro-

8. Except as is by this Order otherwise provided the additional capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that additional capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new share or stock to which a preferential dividend shall be assigned.

9. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Undertaking and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

10. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital to be raised under the powers of this Order than seven pounds in respect of every one hundred pounds actually paid up of such additional capital as shall be issued as ordinary capital or than six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

12. Notwithstanding anything in this Order contained the Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

13. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden

A.D. 1895.

or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Kildwick.

prietor to be declared the purchaser.

14. It shall be one of the conditions of any sale of shares or stock under this
5 Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within six months after such sale.

Purchase money of shares to be paid within six months.

15. The intention to sell any such shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits
10 of the Act of 1876 and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more local newspapers circulating within the limits of the Act of 1876.

Notice to be given as to sale of shares or stock.

- 15 16. When any shares or stock created under the powers of this Order have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863
20 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to and in accordance with the foregoing provisions of this Order with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer
25 thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Shares or stock not sold by auction or by tender to be offered to shareholders.

17. Any sum of money which shall arise by way of premium from the issue of
30 any such shares or stock under the provisions of this Order after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the
35 Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of
40 this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the date of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal
45 moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

A.D. 1895.

Kildwick.

Priority of
principal
moneys
secured by
existing
mortgages.

19. All mortgages granted by the Undertakers in pursuance of the powers of the Act of 1876 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provision of the Act of 1876 have priority over any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers. 5

Limit of
interest on
borrowed
money.

20. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order. 10

Repeal of pro-
visions of former
Act with respect
to appointment
of receiver.

21. Section 12 (for appointment of a receiver) of the Act of 1876 is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or to the continuance of any proceedings then pending. 15

For appoint-
ment of
receiver.

22. The mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of the Act of 1876 and this Order. 20

Quality of Gas.

Quality of gas.

23. From and after the next quarter-day after the commencement of this Order section 30 of the Act of 1876 shall be repealed and the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. 25

Price of Gas.

Price of gas.

24. From and after the next quarter-day after the commencement of this Order section 28 of the Act of 1876 shall be repealed and the price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order. Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in the schedule to this Order shall be in force and have effect and this Order shall be read and construed accordingly. 30 35 40 45

A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

A.D. 1895.

Kildwick.

5 25. All moneys raised under this Order whether by shares stock debenture stock or borrowing shall be applied only to the purposes of the Act of 1876 and this Order to which capital is properly applicable.

Application of moneys.

26. All costs charges and expenses of and incidental to the preparing applying for obtaining and confirming of this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

SCHEDULE.

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

15 (i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

20 (ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet.

Price of gas with sliding scale as to dividend.

30 Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

35 In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of paid-up ordinary capital and so in proportion for any fraction of one hundred pounds.

40 And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

45

A.D. 1895.

Kildwick.

If profits
exceed amount
limited excess
may be invested
and form an
insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of competent jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital of the Undertakers the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application
of further
excess of
profits over
prescribed
rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to
create a
reserve fund
and application
thereof.

(v.) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of
existing
contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks or of the supply of gas by the Undertakers.

B I L L

INTITLED

An Act to confirm certain Provisional
Orders made by the Board of Trade
under the Gas and Water Works
Facilities Act 1870 relating to Barn-
staple Gas Bognor Gas Felixstowe
Gas and Kildwick Parish Gas.

(*Brought from the Lords, 27 June 1895.*)

Ordered, by The House of Commons, to be Printed,
27 June 1895.

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[Bill 327.]

A

B I L L

TO

Amend the Grand Jury (Ireland) Laws.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** Where, at the time of the holding of the presentment sessions at which application for payment for the execution of any work under the Grand Jury (Ireland) Acts has before the *passing of this Act* been made, the county surveyor is unable, by reason of the time for completing such work not having expired, to furnish a
 10 certificate that such work has been completed, it shall be sufficient for any contractor for such works, and he is hereby required to produce such certificate to the grand jury at the next ensuing assizes, anything in the said Acts contained to the contrary notwithstanding.
- 15 **2.** The expression "Grand Jury (Ireland) Acts" in this Act means the Acts specified in the schedule hereto and the Acts incorporated with or amending the same.
- 3.** This Act may be cited as the Grand Jury (Ireland) Laws Amendment Act, 1895.

Certificates of completion of contracts may be furnished to the grand jury.

Definition of Grand Jury (Ireland) Acts.

Short title.

A.D. 1895.

SCHEDULE.

6 & 7 Will. 4. c. 116.

7 Will. 4. and 1st Vict. c. 2.

7 & 8 Vict. c. 106.

Grand Juries (Ireland).

A

B I L L

To amend the Grand Jury (Ireland)
Laws.

(*Prepared and brought in by*
Mr. Hayden, Mr. John Redmond, Mr. Clancy,
Mr. Harrington, and Mr. Ross.)

Ordered, by The House of Commons, to be Printed,
19 February 1895.

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80, West Nile Street, Glasgow; or
HODGES, Figgis, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 129.]

A

B I L L

TO

Amend the Grand Jury (Ireland) Laws.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.**—(1.) Where, at the time of the holding of the presentment sessions at which application for payment for the execution of any work of maintenance under the Grand Jury (Ireland) Acts is made, the county surveyor is unable, by reason of the time for completing such work not having expired, to furnish a certificate that such
 10 work has been completed, it shall be sufficient for any contractor for such works, and he is hereby required, to produce to the presentment sessions and to the grand jury at the next ensuing assizes respectively the certificates herein-after mentioned.

Certificate of completion of contract to be furnished to grand jury.

- (2.) It shall be lawful for the presentment sessions to allow an
 15 application for payment on the part of any such contractor for such sum as he would be entitled to under the terms of his contract at or before the next ensuing assizes, on the production of a certificate from the county surveyor of the due execution of the work up to a period of *seven days* before the date of the holding of such
 20 presentment sessions, which certificate the county surveyor is hereby empowered to give : Provided always, that no grand jury at the said ensuing assizes shall allow any such application unless a certificate from the county surveyor be produced to it of the due execution of the work according to the terms of the contract, which
 25 said further certificate the said county surveyor is hereby empowered to give.

- 2.** No application for payment as aforesaid which, before the
passing of this Act, was allowed by the presentment sessions shall
 be disallowed by reason only that the certificate on which such
 30 allowance was made was premature, but before allowing any such
 [Bill 155.]

Conditions as to payment

A.D. 1895. application it shall be the duty of the grand jury to ascertain from the county surveyor whether in the interval between the presentment sessions and the assizes the contractor has duly performed his work according to the terms of his contract.

Half-yearly
payments.

3. Every contract entered into by a grand jury for maintenance 5 works shall imply a term for half-yearly payments, unless the contrary be therein expressed.

Short title.

4. This Act may be cited as the Grand Jury Laws (Ireland) Amendment Act, 1895.

Grand Juries (Ireland) (No. 2).

A

B I L L

To amend the Grand Jury (Ireland)
Laws.

(Prepared and brought in by
*Mr. Hayden, Mr. John Redmond, Mr. Clancy,
Mr. Harrington, and Mr. Ross.*)

*Ordered, by The House of Commons, to be Printed,
1 March 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 155.]

Grocers' Certificates (Scotland) Abolition Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent.
 2. Dealers' or grocers' certificates not to be granted after 1st April 1898.
 3. Certificated sellers of exciseable liquors not to carry on business of grocer.
 4. Nothing to repeal or affect recited Acts, except to give effect to this Act.
-

A

B I L L

TO

Abolish Dealers' or Grocers' Certificates in Scotland.

A.D. 1895.

WHEREAS the combination of the grocery and spirit trade in Scotland has been productive of great evil, and whereas it is expedient to amend the Licensing (Scotland) Acts, 1828 to 1887, in respect to the granting of certificates to dealers in exciseable
 5 liquors, and grocers and provision dealers trading in such liquors :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

10 1. This Act may be cited as the Grocers' Certificates (Scotland) Abolition Act, 1895, and shall apply to Scotland only. Short title and extent.

2. After the *first day of April, one thousand eight hundred and ninety-eight*, it shall not be lawful for the justices of the peace for any county or district, nor for the magistrates of any royal or parlia-
 15 mentary burgh in Scotland, to grant any certificates for the sale of spirits, wine, beer, or other exciseable liquors, except certificates for inns and hotels or public-houses. Dealers' or grocers' certificates not to be granted after 1st April 1898.

3. After the *fifteenth day of May, one thousand eight hundred and ninety-eight*, it shall not be lawful for any person holding a
 20 certificate for the sale of spirits, wine, beer, or other exciseable liquors, to carry on the business of a grocer and provision merchant, or any such business, although conducted in separate premises ; and any person who shall offend against the foregoing provision shall, for every such offence, be liable to a penalty not exceeding *ten*
 25 *pounds*, and, failing immediate payment of such penalty, shall be imprisoned for a period not exceeding *two months*, and in addition to such penalty, the certificate granted to such person shall be declared to be forfeited and to become void and null. Certificated sellers of exciseable liquors not to carry on business of grocer.

[Bill 108.]

A

A.D. 1895.

Nothing to
repeal or
affect recited
Acts, except
to give effect
to this Act.

4. Nothing herein contained shall be held to repeal or affect the provisions of the recited Acts, or any of them, except in so far only as shall be necessary to give effect to the provisions of this Act; and the provisions and enactments contained in the recited Acts, so far as not repealed, shall extend and be construed, deemed, and 5 taken to extend to and form part of this Act, in the same manner, and as fully, and to all intents and purposes, as if the said provisions and enactments were herein repeated and set forth at length.

Grocers' Certificates (Scotland) Abolition.

A

B I L L

To abolish Dealers' or Grocers'
Certificates in Scotland.

*(Prepared and brought in by
Sir John Leng, Mr. John Wilson (Govan),
Mr. Crombie, and Mr. Dalziel.)*

*Ordered, by The House of Commons, to be Printed,
14 February 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 108.]

A

B I L L

TO

Abolish the retail sale of Spirits, Wine, and Beer by
Shopkeepers in England and Wales.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. On and after the expiration of the licences now in force for the retail sale of spirits, wine, and beer by persons who keep shops for the sale of goods and commodities other than foreign wines, no such licences shall be granted either by way of renewal or otherwise, notwithstanding anything to the contrary contained in the
- 10 Wines and Refreshment Houses Act, 1860, the 24 & 25 Vict. c. 21. s. 2, 3, the Licensing Act, 1872, or any other Act now in force.
2. This Act shall not extend to Scotland or Ireland.
3. This Act may be cited as the Grocers Licences Abolition Act, 1895.

Issue to
shopkeepers
of licences
for the sale
of spirits, &c.
prohibited.

Extent of
Act.

Short title.

Grocers Licences Abolition.

A

B I L L

To abolish the retail sale of Spirits,
Wine, and Beer by Shopkeepers in
England and Wales.

(*Prepared and brought in by*
Mr. David Thomas, Mr. Lloyd-George, Major
Jones, Mr. Alfred Thomas, Mr. Whitaker,
and Mr. John Wilson (Durham).')

Ordered, by The House of Commons, to be Printed,
9 April 1895.

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80, West Nile Street, Glasgow; or
HODGERS, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 207.]

A

B I L L

TO

Amend the Ground Game Act, 1880.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Notwithstanding anything in the Ground Game Act, 1880, the occupier of any copyhold land shall have as incident to and inseparable from his occupation of such land, the right to kill and take ground game thereon concurrently with any other person who may be entitled to kill and take ground game on the same land. Extension of Ground Game Act, 1880, to copyholders in certain cases.
- 10 2. This Act may be cited for all purposes as the Ground Game Act, 1895. Short title.

Ground Game Act (1880) Amendment.

A

B I L L

To amend the Ground Game Act, 1880.

(Prepared and brought in by
Mr. Channing, Mr. Beach, and
Mr. Charles Roundell)

*Ordered, by The House of Commons, to be Printed,
28 May 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FROGGS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 291.]

A
B I L L

TO

Amend the Law relating to Hand-loom Weavers in Ireland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** From and after the commencement of this Act, when any manufacturer of linen goods gives out to a hand-loom weaver materials to be woven into a piece of linen, he shall at the same time deliver to such weaver a printed or written contract note, stating the name of the manufacturer, the name of the weaver,
10 the date of the contract, the description of the linen to be woven, and the price for each length of fifty yards.

Such contract note shall provide that no piece shall be woven in pursuance of the contract exceeding a length of fifty yards by more than one yard.

- 15 Any contract for the hand-loom weaving of linen which does not comply with the provisions of this Act shall, notwithstanding the part performance thereof, be void if the hand-loom weaver so elects ; and if he so elects to declare such contract void, no money paid or advanced to him in part performance of such contract shall be
20 recoverable at law.

2. Any fit and proper person may make application to the local authority of any district to be appointed inspector of linen for the district ; and the local authority may from time to time appoint such inspector, and may remove him from office at their discretion.

- 25 An inspector may at all reasonable times visit and enter any house or place in which hand-loom weaving is being carried on, or in which hand-woven pieces of linen are kept for sale, and may examine any web or piece, and may require the production of the contract note in pursuance of which such web or piece was woven ;
30 and he shall stamp in such manner as the local authority may

[Bill 34.]

A.D. 1895. — prescribe all completed pieces of linen which do not exceed a length of fifty yards by more than one yard.

The inspector shall be entitled to receive from the person in whose custody any piece of linen is when stamped a fee of *twopence*.

5

Penalty for
selling un-
stamped
pieces of
linen.

3. Any person who shall, without lawful excuse, sell or expose for sale any whole piece of hand-loom woven linen which has not been stamped in pursuance of this Act shall be liable to a penalty not exceeding *two pounds*, which may be sued for and recovered before a court of petty sessions in a summary manner.

10

Such penalty, if sued for by an inspector of linen, shall be paid to him for his own use.

Saving for
damask
weavers.

4. Nothing contained in this Act shall apply to any damask weaver or to damask.

Definitions.

5. For the purposes of this Act the local authority shall be the board of guardians of each poor law union, and the district of the local authority shall be such poor law union.

Commence-
ment of Act.

6. This Act shall commence on the *thirtieth day of September, one thousand eight hundred and ninety-five*.

Short title.

7. This Act may be cited for all purposes as the Hand-loom Weaving (Ireland) Act, 1895.

20

Hand-loom Weavers (Ireland).

A

B I L L

To amend the Law relating to Hand-loom Weavers in Ireland.

(Prepared and brought in by
*Mr. O'Neill, Colonel Saundersen, Colonel Waring,
and Mr. Macartney.*

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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90, West Nile Street, Glasgow; or
HODGKIN, FRIGGS, & Co., Limited, 104, Grafton Street, Dublin.

[Price 4d.]

[Bill 34.]

A

B I L L

TO

Make better Provision for Sittings of the High Court of Justice in the County of Lancaster. A.D. 1895.

WHEREAS it is expedient that better provision shall be made for sittings of the High Court of Justice in the county of Lancaster :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the High Court of Justice (Lancashire Sittings) Act, 1895. Short title.

2. This Act shall come into operation (save as otherwise expressly provided) on the *twenty-fourth day of October one thousand eight hundred and ninety-five*, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

3. From and after the commencement of this Act sittings of the High Court of Justice shall be held in the following districts (that is to say) :— Formation of Liverpool and Manchester districts for sittings of the High Court.

(i.) A district, to be called the Liverpool District of the High Court, which shall include the city of Liverpool and the hundred of West Derby, in the county of Lancaster, and such other parts of the county of Lancaster, and such parts of the county of Chester, not including the city of Chester, as Her Majesty may be pleased by Order in Council to include in such district ;

(ii.) A district to be called the Manchester District of the High Court, which shall include the city of Manchester and the hundred of Salford, in the county of Lancaster, and such other parts of the county of Lancaster, and such parts of any of the counties adjacent to the county of Lancaster, as Her Majesty may be pleased by Order in Council to include in such district.

[Bill 118.]

A.D. 1895.

Sittings in
Liverpool
and Man-
chester
districts.

4. For the purposes of this Act there shall be formed a rota of judges of the High Court, in such manner as shall be provided by rules of court; and a judge, to be selected from the rota in such manner as shall be provided by such rules, shall hold sittings alternately in the city of Liverpool within the Liverpool district 5 and in the city of Manchester within the Manchester district throughout the year, except during the periods of vacation observed in the High Court.

It shall be the duty of the judge to hold and regulate the duration of such sittings (subject to any rules of court) as he may think best adapted for the despatch of the business arising within each of the said respective districts. 10

Jurisdiction
of judge
sitting in the
districts.

5. Unless the judge sitting in the said districts shall otherwise order in any particular case, or the parties, by a memorandum signed by them or their solicitors and filed in the proper district 15 registry, shall otherwise agree, the said judge shall try, hear, and determine all actions, petitions, motions, and originating summonses, and all matters and questions or issues of fact or of law, or partly of fact and partly of law, arising wholly or in part, or in respect of which the place of trial is laid within the Liverpool district or 20 Manchester district, which are capable of being tried, heard, or determined by a single judge of any division or branch of the High Court; and for that purpose the said judge shall have and may exercise all jurisdiction (including Admiralty, Probate, and Divorce jurisdiction) capable of being exercised by a single judge 25 of any division or branch of the High Court. The said judge shall also try or dispose of all actions, petitions, motions, originating summonses and other matters and issues sent down or appointed for trial in either of the said districts from or by any division, branch, or judge of the High Court. The said judge shall also hear 30 and determine all appeals from decisions of the several district registrars whose districts are within either of the said districts, or partly within one and partly within the other of such districts, and all summonses adjourned to him by any of the said district registrars, and all motions in actions or matters pending in any of the 35 registries within either of the said districts. Provided, nevertheless, that nothing herein contained shall prevent any party, whether plaintiff or defendant, petitioner, respondent, or intervener, who but for this Act might have removed any action, petition, or matter from the district registry, or who might have set down any action, 40 petition, originating summons, matter, question, or issue of fact or of law for trial or hearing in London or elsewhere out of the district, or who might have applied to the court or a judge to order the trial or hearing to take place in London or elsewhere out of the

district, from removing such action, petition, originating summons, or matter as aforesaid, or from setting down such action, petition, originating summons, matter, question, or issue for trial or hearing as aforesaid, or from applying for such order as aforesaid. A.D. 1895.

- 5 **6.** It shall be lawful for Her Majesty, by Order in Council, from time to time to revoke or vary any Order in Council made under this Act, and to alter, diminish, or extend the limits of any district created under this Act. Power to alter limits of district.

7. From and after the commencement of this Act no civil business shall be transacted at the assizes to be held in Liverpool or Manchester. No civil business to be transacted at assizes held in Liverpool or Manchester.

8. Rules of court shall be made *before the twenty-fourth day of October one thousand eight hundred and ninety-five* by the authority empowered to make rules under the Supreme Court of Judicature Acts for all or any of the following matters, (that is to say,) Rules of court.

- (1.) For the formation of rotas of judges, and the selection therefrom of judges to hold sittings in the districts formed under this Act ;
- (2.) For regulating the practice and procedure in such districts ;
- 20 (3.) For regulating and prescribing the actions, issues, petitions, originating summonses, or matters to be tried, heard, or determined in such districts, or the removal thereof to or from such districts, or from district to district ;
- (4.) For the formation of lists of jurors, and for regulating the summoning and service of jurors, and the duties of sheriffs, under-sheriffs, and other officials ;
- 25 (5.) Generally for the better execution of the purposes of this Act.

- Any rules made under this Act shall be laid before Parliament, and may be revoked or altered, and generally shall be subject to the like provisions, in all respects as rules made under the Supreme Court of Judicature Acts.

9. No sheriff shall be under any obligation to receive or attend any judge entering a district to hold sittings only in pursuance of this Act, or during the continuance of such sittings. Relief of high sheriff.

10. *The travelling and other expenses of judges acting under this Act, and all expenses incident to receiving and lodging such judges and providing them with suitable attendants, shall be defrayed by the Treasury out of moneys to be provided by Parliament.* Expenses.

11. This Act shall not affect the office, position, or functions of the Chancellor of the County Palatine of Lancaster. Saving for Chancellor of Lancaster.

High Court of Justice (Lancashire Sittings).

A

B I L L

To make better Provision for Sittings
of the High Court of Justice in the
County of Lancaster.

(Prepared and brought in by
*Mr. Holland, Sir Henry James,
Sir William Houldsworth, Mr. Forwood, and
Mr. Herbert Lewis.*)

*Ordered, by The House of Commons, to be Printed,
18 February 1895.*

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[Price $\frac{1}{2}d.$]

[Bill 118.]

House Tax (Consolidation) Bill.

MEMORANDUM.

The object of this Bill is to consolidate the several enactments relating to the duties payable upon inhabited houses.

The duties upon inhabited houses imposed by the Act 48 Geo. 3. c. 55. were repealed in 1834 by the Act 4 & 5 Will. 4. c. 19., and duties of this description were not thereafter payable until 1851, when new duties were imposed by the Act 14 & 15 Vict. c. 36.

Upon the imposition of the new duties the provisions of the Acts relating to the former duties were revived and made applicable so far as the same were consistent with the Act 14 & 15 Vict. c. 36. These provisions were in many respects obsolete or inapplicable when expressed to be so revived, and in some respects by reference to subsequent legislation have become practically obsolete.

Since the passing of the Act 14 & 15 Vict. c. 36. the duties have been reduced in the case of some houses, and the law has been modified and amended to a considerable extent. The modifications and amendments have rendered necessary some changes in administration beneficial to the subject, and clause 8 of the Bill is framed by reference to the law as now administered.

Section 59 of the Act 43 Geo. 3. c. 161. provides that the payment of inhabited house duty in a parish shall not effect a settlement in that parish. Considerable doubt is entertained as to whether the section has any practical operation, and with the assent of the Local Government Board it is not proposed to re-enact it.

Subject to the above observations it is merely proposed by the Bill to consolidate and repeal the Acts and parts of Acts included in the Fourth Schedule without effecting any alteration of the existing law.

The Bill would supersede and repeal the whole of eight Acts and portions of five others.

House Tax (Consolidation) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Duties to be paid on inhabited houses.
2. Rules as to charging house tax.
3. Liability of occupier or owner.
4. Claim of exemption or relief.
5. Certificate of assessments.
6. Exemptions and reductions in the case of houses let in separate dwellings of small annual value.
7. Meaning of "inhabited house."
8. Provision as to change in occupation or character of house.
9. Provision as to house within two or more parishes in Scotland.
10. Power to examine houses in order to ascertain value.
11. Penalty for omission to charge.
12. No letters patent to confer exemption from the duties.
13. Definitions.
14. Repeal.
15. Commencement.
16. Short title.

SCHEDULES.

A

B I L L

TO

Consolidate Enactments relating to the Duties upon
Inhabited Houses.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1.—(1.) There shall continue to be assessed, levied, collected, and paid in every year to, and for the use of, Her Majesty upon inhabited houses in and throughout Great Britain, a duty which shall be called the house tax, and shall be charged at the rates set forth in the First Schedule to this Act.

Duties to be paid on inhabited houses. [14 & 15 Vict. c. 36. ss. 1, 2.]

10 (2.) Subject to the exemptions mentioned in the Second Schedule to this Act, every house which is of the annual value of twenty pounds or upwards, and is inhabited at the time of making the yearly assessment, shall be charged with house tax.

15 (3.) The house tax shall be under the care and management of the Commissioners of Inland Revenue, and shall be deemed an assessed tax within the meaning of any enactments relating to assessed taxes; and the Taxes Management Act, 1880, and all other enactments for the time being in force relating to taxes, shall, so far as applicable, apply thereto.

43 & 44 Vict. c. 19.

20 2.—(1.) Where a house is situate within the metropolis as defined by the Valuation Metropolis Act, 1869, the gross value of the house stated in the valuation list for the time being in force under that Act shall be the annual value of the house for the purposes of this Act.

Rules as to charging house tax. 32 & 33 Vict. c. 67. [43 Geo. 3. c. 161. s. 10; 14 & 15 Vict. c. 36; 32 & 33 Vict. c. 67. s. 45.]

25 (2.) Where a house is situate elsewhere in Great Britain, the full rent at which the house is really and bonâ fide worth to be let by the year shall be the annual value of the house for the purposes of this Act.

30 (3.) In the case of every house the rules in the Third Schedule to this Act shall be observed in charging the house tax.

[Bill 193.]

A 2

A.D. 1895.

17 & 18 Vict.
c. 91.
20 & 21 Vict.
c. 58.Liability of
occupier or
owner.[43 Geo. 3.
c. 161. s. 55.
48 Geo. 3.
c. 55. Sched.
B.]

(4.) In Scotland the provisions of the Lands Valuation (Scotland) Act, 1854, as amended by the Lands Valuation (Scotland) Act, 1857, shall be observed.

3.—(1.) In the case of a house let in different stories, tenements, lodgings, or landings, and inhabited by two or more persons or 5 families, the assessment to house tax shall be made on the owner of the house.

(2.) In the case of every other house the assessment shall be made on the occupier of the house.

(3.) Where in pursuance of this Act the assessment to house tax 10 is made on the owner of the house, and the owner—

(a) has not paid the house tax; or

(b) does not reside in the parish or place in which the house is situate; or

(c) has not sufficient goods or chattels in that parish or place 15 whereon the house tax may be levied,

the house tax may be recovered from the occupiers of the house, or any of them, in like manner as if the assessment had been made on them.

(4.) Where an occupier has made any payment in respect of house 20 tax assessed on the owner, he may deduct the amount paid out of any rent payable by him to the owner.

Claim of
exemption
or relief.[43 Geo. 3.
c. 161. s. 17.
57 Geo. 3.
c. 25. s. 2.
41 & 42 Vict.
c. 15. s. 13.]

4. Where any person claims exemption or relief from house tax, he shall give notice of his claim to the surveyor of taxes or to the assessor for the parish or place in which the house is situate, and if 25 the claim is proved to the satisfaction of the general commissioners, it shall be allowed.

Certificate of
assessments.[43 Geo. 3.
c. 161. s. 62;
48 Geo. 3.
c. 55. Sched.
B.; 14 & 15
Vict. c. 36.]

5. The certificate of assessments delivered by every assessor to the general commissioners shall specify—

(a.) The particulars of every house, inhabited or not inhabited, 30 within the parish or place for which he acts; and

(b.) In the case of every such house whereof the annual value is twenty pounds or upwards, the annual value of the house; and

(c.) The full name of the occupier of every such inhabited house; 35 and

(d.) The full name of every person who has claimed exemption from the house tax, and the ground on which any such exemption is claimed.

6.—(1.) Where a house is originally built or adapted by additions or alterations, and used, for the sole purpose of providing separate dwellings, and the annual value of each dwelling in the house does not amount to twenty pounds, then on production to the general
 5 commissioners of a certificate by the medical officer of health or medical practitioner herein-after mentioned to the effect that the house is so constructed as to afford suitable accommodation for each of the families or persons inhabiting it, and that due provision is made for their sanitary requirements, the house shall be discharged
 10 by the general commissioners from liability to house tax.

A.D. 1895.
 Exemptions and reductions in the case of houses let in separate dwellings of small annual value.
 [53 & 54 Vict. c. 8. s. 26.; 54 & 55 Vict. c. 25. s. 4.]

(2.) Where a house is originally built or adapted by additions or alterations, and used, so far as it is used as a dwelling-house, for the sole purpose of providing separate dwellings of an annual value not exceeding forty pounds for each dwelling, then on production
 15 to the general commissioners of the like certificate, the house shall be discharged from liability to house tax in respect of any dwelling therein of an annual value below twenty pounds, and the rate of house tax in respect of the residue of the house shall be reduced to threepence for every twenty shillings of the annual value chargeable.

(3.) The medical officer of health of the district shall, on request by the person who would be liable to pay house tax on any such house as aforesaid in the district, examine the house for the purpose of ascertaining whether such a certificate as aforesaid can properly be given; and if he is satisfied that it can be given, shall give it
 25 accordingly. Provided that if the authority having power to appoint the medical officer of health are of opinion that the duties which would devolve on him under this section could not be performed by him without interference with the due performance of his ordinary duties, they may appoint some other medical practitioner
 30 having the qualification required for the office of medical officer of health of the district to make the examinations and give the certificates aforesaid.

(4.) In the application of this section to Scotland the expression
 “medical officer of health” means a medical officer within the
 35 meaning of the Public Health (Scotland) Act, 1867.

30 & 31 Vict. c. 101.

7. For the purposes of this Act a house shall be deemed to be inhabited unless it is wholly unfurnished. Provided that the fact of a person or servant dwelling in an unfurnished house solely for the protection thereof shall not make the house chargeable with
 40 house tax.

Meaning of “inhabited house.”
 [48 Geo. 3. c. 55. Sched. B. 6 Geo. 4. c. 7. s. 3.]

A.D. 1895:

Provision as
to change in
occupation or
character of
house.

[43 Geo. 3.
c. 161. s. 15.
48 Geo. 3.
c. 55.
Scheds. A.
and B.
57 Geo. 3.
c. 25. s. 1.
6 Geo. 4.
c. 7. ss. 2
and 3.
2 & 3 Will. 4.
c. 113. s. 3.
14 & 15
Vict. c. 36.]

8.—(1.) Where a house which was not inhabited at the time of making the yearly assessment comes into the occupation of any person within the year of assessment, it shall be charged with house tax from the time of the occupation.

(2.) Where a house is exempted from house tax at the time of 5 the yearly assessment, and is within the year of assessment so occupied as to become chargeable with house tax, it shall be so charged from the time of its being so occupied.

(3.) Where a house is not built or completed at the time of 10 the yearly assessment, and becomes occupied during the year of assessment, it shall be charged with house tax from the time of the occupation.

(4.) Where the occupier of a house quits the house after an 15 assessment has been made, the general commissioners shall discharge the house tax charged thereon for the period of the year of assessment during which the house appears to them to have been uninhabited.

(5.) Where the occupier of a house ceases to occupy it as a 20 dwelling-house after an assessment has been made thereon, and the house is afterwards and within the year of assessment occupied for such uses and purposes as to be exempt from house tax, the general commissioners shall discharge the house tax charged thereon for the period of the year of assessment during which 25 the house appears to them to have been occupied solely for such uses and purposes.

(6.) Subject as aforesaid, a change in the occupation of a house 30 shall not affect its liability to house tax or make a new assessment necessary, and the house tax charged thereon for one year shall be paid by the occupier or owner for the time being, or both or all of them, according to the times of possession thereof.

Provision as
to house
within two
or more
parishes in
Scotland.

[43 Geo. 3.
c. 161. s. 10.
44 & 45 Vict.
c. 59.]

Power to
examine
houses in
order to
ascertain
value.

[43 Geo. 3.
c. 161. s. 60.
57 Geo. 3.
c. 25. s. 2.]

9. Where in Scotland a house is situate within more parishes 35 or places than one, it shall be charged in such one of the parishes or places as the surveyor of taxes may elect, and his election shall be notified by a certificate to the general commissioners acting for either of the parishes or places.

10. The assessor for any parish or place with respect to every 40 house situate in that parish or place, and every surveyor and inspector of taxes, with respect to any house, shall have full power at seasonable times to view and examine the house in order to ascertain its annual value, and the right to any exemption or relief which may be claimed, and for so doing shall have liberty to pass through the house, and to go into any court, yard, back side, or premises thereto belonging, and view and inspect the same.

11. If any assessor omits to charge the person liable for house tax with the full amount of tax with which he ought to be charged, whether he is entitled to be discharged from the same or not, he shall, for every such omission, incur a fine not exceeding twenty
5 pounds.
12. No letters patent granted or to be granted shall operate to confer any exemption from house tax.
13. In this Act, unless the context otherwise requires,—
The expression “house” means a dwelling-house.
- 10 The expression “owner” includes the person for the time being receiving the rackrent of the house in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such house were let at a rackrent.
- 15 The expression “occupier” includes in the case of a hall or office the person to whom the same belongs.
- The expression “general commissioners” means commissioners for the general purposes of the income tax and inhabited house duties, or any two or more of them acting in and for any
20 division under and in the execution of the Taxes Management Act, 1880, or this Act.
- The expression “assessor” means the person appointed to be assessor of inhabited house duties for any parish or place in conformity with the provisions of the Taxes Management Act,
25 1880, and includes the surveyor or inspector of taxes acting as assessor when required so to act.
14. The enactments specified in the Fourth Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent specified in the third column of that schedule.
- 30 15. This Act shall come into operation on the first day of September one thousand eight hundred and ninety-five.
16. This Act may be cited as the House Tax Act, 1895.

A.D. 1895.

Penalty for omission to charge.
[43 Geo. 3. c. 161. s. 10.]

No letters patent to confer exemption from the duties.

[43 Geo. 3. c. 161. s. 77.]

Definitions.

[48 Geo. 3. c. 55. Sched. B. rule 5.]

43 & 44 Vict. c. 19.

Repeal.

Commencement.

Short title.

A.D. 1895.

SCHEDULES.FIRST SCHEDULE.RATES OF HOUSE TAX.

[14 & 15 Vict.
c. 36;
34 & 35 Vict.
c. 103. s. 31;
53 & 54 Vict.
c. 8. ss. 25 and
26.]

Class of House.	Amount for every Twenty Shillings of Annual Value.	5
I. In the case of a house—		
(a.) Occupied by any person in trade who exposes to sale and sells any goods, wares, or merchandise in any shop or warehouse being part of the same house, and in the front, and on the ground or basement story thereof; or	If the annual value of the house does not exceed forty pounds, twopence. If the annual value of the house exceeds forty pounds and does not exceed sixty pounds, fourpence.	10
(b.) Occupied by any person who carries on therein the business of an hotel keeper, retailer of intoxicating liquors, or refreshment house keeper; or	If the annual value of the house exceeds sixty pounds, sixpence.	15
(c.) Being a farmhouse occupied by a tenant or farm servant and bonâ fide used for the purposes of husbandry only; or		
(d.) Occupied in any year by any person for the main purpose of letting lodgings therein as a means of livelihood, if that person has before the first day of July in that year registered his name in a list of lodging-house keepers kept by the clerk to the general commissioners, and has also after notice to the general commissioners given before the first day of October in that year proved the facts to their satisfaction.		20 25
II. In any other case - - -	If the annual value of the house does not exceed forty pounds, threepence. If the annual value of the house exceeds forty pounds and does not exceed sixty pounds, sixpence. If the annual value of the house exceeds sixty pounds, ninepence.	30 35

SECOND SCHEDULE.

A.D. 1895.

EXEMPTIONS.

The following Houses shall be exempt from House Tax.

1. Any house belonging to Her Majesty or any of the royal family, and
5 any public office for which the duties would be payable by Her Majesty, or out of the public revenue. [48 Geo. 3.
c. 55. Schedule B.]
2. Any hospital, charity school, or house provided for the reception or relief of poor persons.
3. Any house occupied solely for the purpose of any trade or business, or
10 of any profession or calling by which the occupier seeks a livelihood or profit, upon proof of the facts to the satisfaction of the general commissioners, although a servant or other person may dwell therein for the protection thereof. For the purpose of this exemption the expression "servant" means only a menial or domestic servant employed by the occupier, and the expression "other person"
15 means any person of a similar grade or description not otherwise employed by the occupier who is engaged by him to dwell in the house solely for the protection thereof. [41 & 42 Vict.
c. 15. s. 13.
44 & 45 Vict.
c. 12. s. 24.]

THIRD SCHEDULE.

Rules for charging the House Tax.

- 20 1. Every coach-house, stable, brewhouse, washhouse, laundry, woodhouse, bakehouse, dairy, and all other offices, and all yards, courts, gardens, and pleasure grounds, belonging to and occupied with the house, shall be valued together with the house; provided that—
[48 Geo. 3.
c. 55. Schedule B.
14 & 15 Vict.
c. 36. s. 3.]
 - (a.) No more than one acre of gardens and pleasure grounds shall in any
25 case be so valued; and
 - (b.) No market garden or nursery ground occupied by a market gardener or nurseryman bonâ fide for the sale of the produce thereof in the way of his trade or business shall be so valued.
2. All shops and warehouses which are attached to a house, or have any
30 communication therewith, shall be valued together with the house except—
[48 Geo. 3.
c. 55. Schedule B.]
 - (i.) Warehouses and buildings upon or adjoining to wharves and occupied by persons who carry on the business of wharfingers, and

A.D. 1895.

(ii.) Such warehouses being distinct and separate buildings and not parts of the house, or the shops attached thereto, as are employed solely for the purpose of lodging goods, wares, and merchandise or for carrying on some manufacture, notwithstanding that the same may adjoin to or have communication with the house or shop. 5

3. Every chamber or apartment in any of the inns of court, or of chancery, or in any college or hall in any of the universities of Great Britain, being in the occupation of any person, shall be charged as an entire house.

4. Every hall or office belonging to any person, which is or may be lawfully charged with the payment of income tax or any parish rate, shall be charged 10 as an entire house.

5. Where a house is let in different stories, tenements, lodgings, or landings, and is inhabited by two or more persons or families, the house shall be charged as if it were inhabited by one person or family only.

6. Where a house is divided into different tenements being distinct properties, 15 every tenement shall be assessed and charged as if it were an entire house.

[41 & 42 Vict.
c. 15, s. 13.]

7. Where a house, being one property, is divided into, and let in, different tenements, and any of such tenements is occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, or is unoccupied, the person chargeable to the house tax in respect of the house shall be at liberty to give notice in writing, at any time during the year of assessment, to the surveyor of taxes, stating therein the facts; and after the receipt of the notice by the surveyor the general commissioners shall, upon proof of the facts to their satisfaction, grant relief from the amount of tax charged in the assessment, so as to confine the same 20 to the tax on the value according to which the house should, in their opinion, have been assessed, if it had been a house comprising only the tenements other than such as are occupied as aforesaid, or are unoccupied. 25

[48 Geo. 3.
c. 55. Sched.
B.]

8. If a house is assessed at more than the rent at which it is worth to be let by the year, the general commissioners shall reduce the assessment to such sum 30 as a like rent would amount to, but in no case to a less sum than the annual value of the house as appearing in the assessment for the poor rate.

FOURTH SCHEDULE.

A.D. 1895.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
43 Geo. 3. c. 161. -	The House Tax Act, 1803 -	The whole Act.
5 48 Geo. 3. c. 55. -	An Act for repealing the duties of assessed taxes and granting new duties in lieu thereof; and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the Commissioners for the Affairs of Taxes.	The whole Act.
10		
15 57 Geo. 3. c. 25. -		The whole Act.
20	An Act to explain and amend an Act made in the forty-eighth year of His present Majesty, for repealing the duties of assessed taxes, and granting new duties in lieu thereof; and to exempt such dwelling-houses as may be employed for the sole purpose of trade or of lodging goods, wares, or merchandise from the duties charged by the said Act.	The whole Act.
25		
6 Geo. 4. c. 7. -		The whole Act.
30 2 & 3 Will. 4. c. 113. -	An Act to continue until the fifth day of April one thousand eight hundred and thirty-four compositions for the assessed taxes, and to grant relief in certain cases.	The whole Act.
35 4 & 5 Will. 4. c. 19. -	An Act to repeal certain duties on inhabited dwelling-houses	The whole Act.
14 & 15 Vict. c. 36. -	The House Tax Act, 1851 - -	The whole Act.
30 & 31 Vict. c. 90. -	The Revenue Act, 1867 - -	Section twenty-five.
34 & 35 Vict. c. 103. -	An Act to amend the Law relating to the Customs and Inland Revenue.	The whole Act.
40		
41 & 42 Vict. c. 15. -	The Customs and Inland Revenue Act, 1878.	Section thirteen.

A.D. 1895.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 & 45 Vict. c. 12. -	The Customs and Inland Revenue Act, 1881.	Section twenty-four.
53 & 54 Vict. c. 8. -	The Customs and Inland Revenue Act, 1890.	Sections twenty-five and twenty-six. 5
54 & 55 Vict. c. 25 -	The Customs and Inland Revenue Act, 1891.	Section four.

House Tax (Consolidation).

A

B I L L

To consolidate Enactments relating to the Duties upon Inhabited Houses.

(Prepared and brought in by
Sir John Hibbert and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
4 April 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
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[Bill 193.]

Houses in Towns (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.

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5. Power to acquire reversions to be exercised concurrently.
6. Notice by lessee of intention to acquire reversions.
7. Production of deeds relating to the reversions, and of the lease of the demised premises.
8. Lessee may purchase reversions by agreement.
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10. Court to fix a day for hearing and to send notices to parties.
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16. Distribution of purchase money.
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21. Costs in case of default of lessee or of unfounded claim.
22. Limitation in certain cases of right to apply to court.
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[Bill 83.]

a

Clause.

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27. Appeals.
28. Rules.
29. Forms in schedule.
30. Notices may be printed or written.
31. Service of notices.

SCHEDULE.

A

B I L L

TO

Amend the Law relating to the Tenure of Houses in
Towns in Ireland.

A.D. 1895.

WHEREAS in nearly all the towns in Ireland the owners and occupiers of business premises and private dwellings have between them and the owners in fee several intermediate lessees who have certain terms outstanding between such owners and
5 occupiers :

And whereas it is expedient that such owners and occupiers should be enabled to acquire the intermediate interests between themselves and the owners in fee, so that owners and occupiers may be encouraged to make improvements in their holdings :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Houses in Towns
15 (Ireland) Act, 1895. Short title.

2. This Act shall come into operation on the *first day of* Commence-
September, one thousand eight hundred and ninety-five, which date ment of Act.
is herein-after referred to as the commencement of this Act.

3. In this Act the following words and expressions shall have
20 the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction ; (that is to say, Interpreta-
tion of
terms.)

“ Lessor ” means any intermediate owner between the occupying tenants and the owner in fee :

25 “ Lease ” means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, or a yearly tenancy :

[Bill 83.]

A

A.D. 1895.

“ Life lease ” means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant or an agreement for a grant for a life or lives :

“ Lessee ” includes any person in occupation of any holding who is entitled to the equity of redemption in a lease subject to a mortgage and where the demised premises are comprised in or affected by a settlement includes the tenant for life, or the person having the powers of a tenant for life under such settlement or in respect of such settled land, and any occupying tenant :

“ Settlement,” “ settled land,” and “ tenant for life,” have the same meanings respectively as in the Settled Land Acts, 1882 and 1884 :

“ Owner in fee ” means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land or comprised in or affected by any settlement, then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement :

“ Holding ” includes any messuage, dwelling-house, shop, cottage, church, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed one acre in extent :

“ Court ” means the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881, and the county courts in Ireland :

“ Person ” includes a body of persons corporate or unincorporate :

“ Prescribed ” means prescribed by rules made in pursuance of this Act :

“ Reversions ” include all interests beyond the tenancy of the occupier other than the interest of the owner in fee :

“ Rules ” include “ forms.”

PART I.

Lessee may acquire certain reversions by purchase.

4.—(1.) From and after the commencement of this Act every lessee as incident to and inseparable from his interest in any lease or life lease granted before or after the commencement of this Act

shall have the right to acquire the reversion expectant or consequent upon the determination of the said term, and the reversions of any superior or intermediate lease or interest other than the freehold reversion in the demised premises in the manner herein-after provided, but a lessee shall not be entitled to exercise such right in respect of part only of the premises demised by such lease except where such part is the subject of a separate tenancy, and such separate tenancy is not of a portion only of a holding.

A.D. 1895.

(2.) Provided nevertheless that in cases where the occupying tenant holds only from year to year, or under agreement for a term not exceeding *three years*, has not established or carried on any business on the premises or made any outlay which would enhance the value of them, or otherwise acquired any beneficial interest in the premises, the owner or immediate lessor who represents the interest of the person who built the premises is in all such cases to be entitled to take advantage of all the privileges which this Act confers upon tenants in occupation.

(3.) When the interest of a lessee in a lease or life lease is subject to an incumbrance, then on the purchase by such lessee of such lease, or of the reversion expectant or consequent on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion has been actually conveyed to him by the instrument creating such incumbrance.

(4.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

5. Where the demised premises are comprised in an under lease, the powers hereby conferred on the lessee to acquire the reversions expectant upon the term granted by such under lease, and by any superior or intermediate lease, shall be exercised concurrently.

Power to acquire reversions to be exercised concurrently.

6.—(1.) When a lessee is desirous of acquiring the reversions to the demised premises in pursuance of this Act, he shall serve upon the lessor or lessors, or his or their agent or agents, a notice herein-after described as the prescribed notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect.

Notice by lessee of intention to acquire reversions.

(2.) Within *twenty-one* days after the service of the aforesaid notice, the lessor or lessors shall deliver to the lessee particulars of his or their interest in the demised premises, and the amount of purchase money claimed by him or them for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or other prescribed form.

A.D. 1895.

(3.) Upon receipt of these particulars the lessee shall serve upon the persons, other than the owner in fee, who thereby appear to have a beneficial interest in the demised premises, a notice in the Form No. 3 in the schedule to this Act annexed, and each of such persons shall, within *twenty-one* days from the date of such service, deliver 5 to the lessee notice of his interest in the demised premises, and the amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form.

Production of deeds relating to the reversions and of the lease of the demised premises.

7. Within *one* calendar month after the service of the prescribed 10 notice the lessee shall, if requested to do so, deliver to the lessor, and any other person upon whom such notice shall have been served, an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The lessee may in the like manner, and within the same specified time, 15 require from the lessor, and any other person upon whom such notice shall have been served, an abstract of his title to his reversion, and a verification of his title thereto.

Lessee may purchase reversions by agreement.

8. The lessor may agree with the lessee, and all other persons who are beneficially interested in the demised premises, and any 20 tenant for life or person having the powers of a tenant for life under any settlement comprising or affecting the demised premises, to acquire their interests by purchase, and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled 25 Land Act, 1884, to obtain the leave or sanction of the High Court of Justice to such agreement, purchase, or sale.

Application to court.

9.—(1.) Where the lessee and other persons interested in the demised premises other than the owner in fee are unable to agree as to the amount of purchase money, or where any doubt or difficulty 30 is alleged to exist as to the title of the lessor or other person, the lessee may make an application to the court. Such application may be made at the option of the applicant to the Land Commission Court, or, if the amount does not exceed *three hundred pounds*, to the county court, but such application shall be subject to all such 35 particulars and offers on the part of the applicants as are required to be contained in any notice or notices set out in the schedule hereto, and shall be in such form as may be prescribed under any rules made under this Act; and the court shall be empowered to hear and determine all points of difference between the parties and 40

settle the amount to be paid by the lessee for the purchase of the respective interests of the parties concerned, and shall direct the apportionment and distribution of such purchase moneys respectively among the persons entitled thereto, and may, subject to the provisions of this Act, make such orders as to costs as may be deemed expedient. A.D. 1895.

(2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars :

- 10 (a.) The name and address and description of the lessee ;
- (b.) A description of the demised premises and where situate ;
- (c.) The nature and extent of the applicant's interest in such premises ;
- (d.) The names, addresses, and descriptions of the lessor and all
- 15 persons having or reputed to have a beneficial interest or estate in the aforesaid premises.

(3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rent of the demised premises as a security for any costs and expenses that may be incurred in connexion with his application.

10. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in the demised premises. Court to fix a day for hearing and to send notices to parties.

11. Subject to any rules that may be prescribed it shall be lawful for any of the parties to such application to require the points in dispute to be settled by a jury, and in that event a jury shall be empannelled in accordance with the practice usually observed in connexion with actions under the County Court (Ireland) Acts. Jury may be demanded by any of the parties.

12. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act regard shall be had to the following directions : Assessment of purchase money.

- 35 (a.) The purchase money shall be the sum which in the opinion of the court is the value of the present interests with the reversions in questions expectant upon the determination of the lease or leases.

A.D. 1895.

- (b.) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease, unless the same were expressly made in pursuance of antecedent covenants or agreements entered into by him ; 5
- (c.) If the applicant or his predecessor in title shall have made improvements, or incurred any outlay for which by law, custom, or contract he is entitled at the date of the hearing to be compensated by the lessor, allowance shall be made for the present value of such improvement or outlay in the assessment 10 of the purchase money ;
- (d.) Where intermediate lessors have only acquired an interest in the leases of the lands originally granted by the owner in fee and not in the buildings, the court shall, in fixing the amount of compensation to which they are entitled, have 15 regard to the occupier who has actually built or who represents the actual builder of the premises which have been placed upon the land and the amount paid by him or his predecessors for the interest which he has acquired in such buildings. In dealing with these cases the court shall have evidence from 20 all parties interested.
- (e.) Unless the lessor and all other persons interested concur in releasing the lessee from the obligation of observing the restrictive covenants of the leases of the aforesaid premises, the burden of such covenants shall be taken into account in 25 arriving at the amount of purchase money, and the same shall thereupon cease, save such covenants as may be contained in the lease from the owner in fee.

Conveyance
where title
cannot be
expeditiously
proved.

13.—(1.) Where it appears that the title of the lessor or other person other than the owner in fee claiming or reputed to be 30 beneficially interested in the demised premises cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title, or other person other than the owner in fee claiming to have a superior interest in the said premises has been in the actual receipt of the rent reserved by the 35 lease for the *twelve years* immediately preceding the application to the court, be empowered to make an order conveying the demised premises to the lessee subject to the payment of the purchase money into court.

(2.) The court shall subsequently proceed to ascertain the 40 respective rights of the several persons claiming to be entitled to

the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just. A.D. 1895.

14.—(1.) On a purchase by a lessee of a lease under this Act— Observance
of restric-
tive
covenants.

5 (a.) All covenants, agreements, and provisions contained in such lease, or in any superior or intermediate lease except a lease granted direct by the owner in fee binding, the lessee under such lease to do or omit to do any of the following acts, or
10 any covenants, provisions, or agreements to the like purport or effect, shall be void as from the completion of such purchase, namely:—

(i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor ;
(ii.) To furnish to the lessor or his solicitors copies of all
15 deeds of assignment or under-lease ;
(iii.) To pay any fee on the registration of any assignment or under-lease ;
(iv.) Not to make any structural alteration or addition to the
20 property without the consent, whether in writing or not, of the lessor.

(b.) But all covenants, agreements, and provisions binding the lessee to do or omit to do any of the following acts, or any covenants, agreements, or provisions to the like purport and effect, shall, during the continuance of the term created by the
25 lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority:—

30 (i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees :

35 (ii.) To repair and keep the premises in repair :

(iii.) To ensure from damage by fire whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire :

(iv.) To pay rates, taxes, tithe, or other outgoings :

40 (v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any

A.D. 1895.

particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances :

(vi.) To do any act which may or will be beneficial to the demised premises, or to any other property of the lessor 5 or his superior landlord, or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises :

(vii.) Any other restrictive covenants, agreements, or provisions. 10

Payment of
purchase
money into
court and
issue of
certificate
of purchase.

15. The lessee shall within *one* month from the date of the order fixing the amount of the purchase money, or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase specifying in the prescribed form the 15 proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given, and the restrictive covenants (if any) to which the demised premises remain subject ; and such certificate shall operate as a conveyance from the day of its date to the applicant 20 of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money.

Distribution
of purchase
money.

16.—(1.) On receipt of the said sum the court shall give *one* month's notice to the lessor and other persons interested of the 25 intention to distribute the said sum among the persons severally entitled thereto ; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights. 30

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum or any part thereof pending any further inquiries as to the right of any person to receive the same. 35

(3.) On the purchase by a lessee of any lease, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for 40 such lease shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys

arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

A.D. 1896.

Provided always, that it shall not be necessary as against the lessee to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease as aforesaid under the provisions of this Act.

- 10 After payment by the lessee of the purchase money as before provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about
15 any application thereunder.

17. In the event of the disability by infancy, coverture, insanity, or otherwise of any person who but for such disability would have been entitled to the benefit of this Act, or to be treated as a lessor or person beneficially interested under this Act, the powers and
20 duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Provision for cases of disability.

18. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act unless
25 he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so, and with such sanction any moneys, stocks, funds, or securities subject to the
30 trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct.

Trustees may purchase under certain conditions.

19. Where any of the parties make default in complying with
35 any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order or otherwise howsoever, upon
40 such terms and conditions as may be deemed expedient.

Provision in case of irregularities.

- 20.—(1.) The costs of the lessee in connexion with the application to the court and any other proceedings under this Act up to the

Costs to be paid by lessee.

A.D. 1895. — payment of the purchase money shall, subject as herein-after provided, be borne and paid by the lessee, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment to the lessee of the balance of such deposit (if any), but if any costs remain unpaid they 5 shall be an equitable charge upon the lessee's interest in the demised premises, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the lessee, except in cases where the court 10 shall otherwise decide.

Costs in case of default of lessee or of unfounded claim.

21. Where the lessee has wilfully or negligently delayed or made default in proceeding with his application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, 15 make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

Limitation in certain cases of right to apply to court.

22. If the application of any lessee be dismissed, or his right to the benefit of this Act be determined against him, or he decide and 20 be permitted no further to proceed by reason of his being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised premises, he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, 25 shall be barred from taking further proceedings under this Act for the space of five years without special leave from the court. And in no case shall he or they take any further proceeding without first paying all such costs as may be ordered by the court in respect of the said application. 30

Life leaseholds within provisions of Act.

23. The powers herein contained shall be applicable to life leases as defined by this Act, and any person entitled to any such lease shall be and is hereby empowered to acquire all the reversions other than that of the owner in fee in the demised premises by purchase in the manner and under the limitations and conditions in 35 this Act provided, and the forms in the schedule hereto may be varied so far as necessary and adapted thereto.

Limit of county court jurisdiction.

24. The county court shall have no jurisdiction to entertain an application where the amount claimed by a lessor exceeds *three* 40 *hundred pounds*.

25. No persons shall be entitled to make application to the court under this Act unless he is in actual occupation of the premises, and unless the unexpired terms of the intermediate interests between himself and the owner in fee shall in all not exceed a period of *fifteen years*.

A.D.1895.
Occupiers
only to
have right to
apply to
court.

26. This Act shall not apply to holdings in cities or in any town having a population of less than one thousand according to the last published census.

Limitation of
Act to towns
having popu-
lation of one
thousand.

27. All orders of the Land Commission Court shall be subject to appeal on matters of law in the same manner as appeals are now made from the decisions of the Lands Commissioners, and all orders of the county court shall be subject to appeal in accordance with the procedure in that court. All orders relating to costs and all decisions of the court on matters of fact, or in the exercise of its discretion, shall in like manner be subject to appeal by leave either of the judge or of the court before which the appeal is to be heard.

Appeals.

(1.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

28. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be made under and for the purposes of the Land Commission Courts Acts in Ireland and the County Court Act in Ireland.

Rules.

29. Any deeds, notices, or other documents in the form contained in the First Schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall, as regards form and expression in relation to the provisions of this Act, be deemed sufficient for all purposes.

Forms in
schedule.

30. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

Notices may
be printed
or written.

31. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

Service of
notices.

(a.) By delivering the same to such person; or

(b.) By leaving the same at the usual or last known place of abode of such person; or

(c.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

A.D. 1895.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

5

SCHEDULE.

A.D. 1895.

FORMS.

FORM No. 1.

Notice of desire by a Lessee or Lessor to exercise the Powers of this Act.

- 5 In pursuance of the provisions of the Houses in Towns (Ireland) Act, 1895,
 I of , as lessee of the property hereafter
 mentioned of a lease dated the day of granted
 by [insert lessor's names and description from lease] [for a term of
 years and of another year from the day of]
 10 or [for the life or lives of A.B. of , C.D. of , E.F. of]
 do hereby give you notice that I intend to exercise the powers of the said Act,
 and to purchase the reversion expectant or consequent on the determination
 of the said term and the reversions of any superior or intermediate lease, and
 the short particulars of which are stated below. And that I am willing to
 15 submit myself to the provisions of the said Act, and to purchase pursuant
 to the said Act the said property, and I require from you in writing addressed
 to me at

- the following particulars:—(1) In the event of your holding
 the premises under a lease or leases—(a) The date of such lease or leases,
 20 (a 1) The term or terms for which the premises are held. (b) The names
 and addresses of the lessors so far as you can supply the same, and of the
 agents of the lessors if known to you. (c) The names and addresses of the
 agents or persons to whom you made the last payment of rent in respect of
 the property comprised in such lease or leases. (d) The amount of rent
 25 reserved by the lease or leases for the remainder of the term of the lease or
 leases. (e) And if the same relates to any other property than that
 comprised in the lease in respect of which I give this notice, the short
 particulars and description of such other property in case you require the
 said other property to be purchased. And I require you to state in writing
 30 the amount you claim as purchase-money for the interests and property
 comprised in the notice in writing so to be given by you.

Dated this day of 18 .

The Short Particulars of the Property above referred to.

- [Here describe the premises according to the usual or postal address]
 35 and add the words:

And which description is intended to describe the property comprised in
 the lease dated made between for a
 term of years from the day of at
 the rent of £ in respect of which this notice is given.

A.D. 1895.

FORM No. 2.

Particulars of Lessor's Interest and Price for Sale.

If held by the
lessor under a
lease state the
following
particulars.

State if any
charges or
taxes are
payable out of
the rent by the
lessor.

I, the undersigned _____ of _____ or the under-
signed duly authorised agent for this purpose of _____ of _____
in reply to your desire to exercise the powers of the Houses 5
in Towns (Ireland) Act, 1895, dated _____ day of _____ 18
hereby inform you that the premises mentioned in your said notice, and in
respect of which you are now paying the rent of £ _____ were granted or
demised by indenture of lease (or leases) bearing date (respectively) the
day of _____ (and the) _____ (day of) _____ and made 10
between _____ for a term of _____ years from the
day of _____ and that the same are held by me under an indenture of
lease (or leases) bearing date (respectively) the _____ day of _____
and made between _____ and _____ for a term of _____
years from the _____ day of _____ at a rent or 15
rents of £ _____ per annum payable _____ (free from all
deductions whatsoever except income tax); and I claim as purchase-money for
the reversion expectant upon the termination of the term of years now held by
you the sum of £ _____, and as purchase-money for the £ _____ per
annum payable to me as aforesaid under the lease (or leases) before-mentioned 20
the sum of £ _____ as purchase-money.
Dated this _____ day of _____ 18 _____

Yours, &c.

FORM No. 3.

*Notice by Lessee as defined by the Act of desire to exercise the Powers 25
of the Act.*

Recite the
facts from
notice given
in Form No. 2.

Having been informed by _____ of _____ that
the under-mentioned premises are comprised in a lease (or leases) dated
the _____ and made between _____ for a term
of _____ years and _____ of another year from the _____ 30
day of _____ at the yearly rent or rents of £ _____ payable
[quarterly] (free from all rates and taxes except property tax), and that you
are entitled as lessor to the rents and profits of such premises, I hereby inform
you that on the _____ day of _____ in pursuance of
the powers of the Houses in Towns (Ireland) Act, 1895, I sent a notice in 35
writing (a copy of which purports to be enclosed herewith) to the lessor under
whom I hold the under-mentioned premises, and I offer and hereby submit to
the provisions of the above-mentioned Act, and pursuant to the provisions
thereof I require you within one calendar month from the date hereof to
deliver to me in writing at _____ a notice in writing stating the 40
following particulars.

[The particulars are to be similar or to the effect of the particulars (1)
and (2) above set forth.]

Houses in Towns (Ireland).

A

B I L L

To amend the Law relating to the
Tenure of Houses in Towns in Ire-
land.

(*Prepared and brought in by*
Mr. Field, Mr. Clancy, Mr. Seaton, and
Sir Thomas Esmonde.)

Ordered, by The House of Commons, to be Printed,
11 February 1895.

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90, West Nile Street, Glasgow ; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 2½d.*]

[Bill 83.]

A

B I L L

FOR

Facilitating the operation of the Housing of the Working Classes Act, 1890, in so far as it relates to Rural Sanitary Districts. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** This Act may be cited for all purposes as the Housing of the Working Classes Amendment Act, 1895. Short title.
- 10 **2.** From the *passing of this Act*, the sections in the Housing of the Working Classes Act, 1890, which relate only to rural sanitary districts, are hereby repealed, and all the powers now vested in urban sanitary authorities by the said Act shall be vested in rural sanitary authorities, and all sections of the said Act which apply to urban sanitary districts shall apply to rural sanitary districts throughout England and Wales, with the exception only of those portions which are inconsistent with the following sections. Powers of rural sanitary authorities.
- 15 **3.** In all cases of appeal to the Local Government Board under the Housing of the Working Classes Act, 1890, and this Act, from a rural district, the decision of the Local Government Board shall be final. No appeal against the decision of Local Government Board.
- 20 **4.** Every cottage built by a rural local authority shall have not less than a quarter of an acre of garden land attached to the same. Gardens.
- 5.** All purchases of land shall be made upon the gross valuation of the property as it appears in the rate-book for the time being, but in no case shall the total amount paid exceed *twenty-five years* purchase of the said value. Basis of purchase.
- 25 **6.** No agricultural labourer shall be evicted from his cottage whose rent is not more than *three weeks* in arrear without a *six months* notice in writing from the landlord, which must be served personally upon the tenant. Notice before eviction.

[Bill 72.]

A.D. 1895.

Compensa-
tion to
tenant.

7. The landlord shall pay compensation to the tenant under notice to quit, for any improvement made by the tenant in the cottage or ground attached without any assistance from the landlord, and in the event of the landlord and tenant not agreeing as to the value of such improvement, the surveyor to the district council 5 shall upon the application of either party assess the compensation to be paid (if any), and his award shall be binding upon all parties. The costs of the district council surveyor shall not exceed in any single case the sum of *one guinea*, and they shall be borne by the party against whom the award has been made.

10

A

B I L L

FOR

Removing the restrictions placed upon Rural District Councils in adopting the Housing of the Working Classes Act, 1890, Part III. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited for all purposes as the Housing of the Working Classes Amendment Act, 1895, and it shall be construed as one with the Housing of the Working Classes Act, 1890, and this Act and the Housing of the Working Classes Act, 1890, may be cited together as the Housing of the Working Classes
10 Acts, 1890 to 1895. Short title
and con-
struction.

Expenses and Borrowing of Local Authorities.

2. All expenses incurred by a local authority in the execution of this Act, and of Part III. of the Housing of the Working Classes Act, 1890, shall be defrayed— Expenses
of local
authority.
- 15 1. In the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund, under Part I. of the Housing of the Working Classes Act, 1890;
- 20 2. In the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Acts; and
- 25 3. In the case of a rural district as special expenses incurred in the execution of the Public Health Acts, and, save where the burden of such expenses is to be borne by one contributory place only, shall be deemed to be incurred for the common benefit of all the contributory places liable to bear such expenses :

[Bill 322.]

A

A.D. 1895.

Provided that if the rural district council so determine, the said expenses shall be defrayed as general expenses of the said district in the execution of the Public Health Acts, and if such expenses are not to be borne by the whole of the district, shall be paid out of a common fund to be raised in manner provided by the Public Health Act, 1875, but as if the contributory places which are to bear those expenses constituted the whole of the district. 5

Repeal.

3. From the passing of this Act, the parts of the Housing of the Working Classes Act, 1890, set out in the Schedule are hereby repealed. 10

SCHEDULE.

Section 54.—From “Provided” to end of section.

Section 55.—Subsection 1.

” Subsection 2, *from* “In their application” *to* “permission to.”

” ” *from* “And thereupon the justice” *to* “an order to that effect.” 15

” *The words*, “mentioned in the order.”

” *The words*, “named in the order.”

” *From* “The provisions,” *to* “fresh certificate.”

” Subsection 3. 20

Section 56.—From “Subject,” to “rural sanitary authorities.”

Section 57.—Subsection 3, the words, “And if not a rural sanitary authority.”

” ” *from* “and if a rural,” *to* “situate.”

Section 60.—The words “And if not a rural sanitary authority.”

” *From* “and if not a rural” *to* “situate.” 25

Section 64.—The words, “And if not a rural sanitary authority.”

” *From* “and if a rural” *to* “situate.”

Section 65.

Housing of the Rural Working Classes.

A

B I L L

For removing the restrictions placed
upon Rural District Councils in adopt-
ing the Housing of the Working
Classes Act, 1890, Part III.

(*Prepared and brought in by*
Mr. Diamond, Mr. John Burns, Mr. Alpheus
Morton, and Mr. Maden.)

Ordered, by The House of Commons, to be Printed,
21 June 1895.

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96, West Nile Street, Glasgow; or
HODGES, FRODIP, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 322.]

A

B I L L

TO

Confirm a Provisional Order made by the Secretary for Scotland under Part I. of the Housing of the Working Classes Act 1890 relating to the City and Royal Burgh of Aberdeen. A.D. 1895.

WHEREAS the Secretary for Scotland has made the Provisional Order set forth in the schedule hereto under the provisions of the Housing of the Working Classes Act 1890 :

53 & 54 Vict.
c. 70.

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

10 1. The Order set out in the schedule hereto is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. This Act may be cited as the Aberdeen Improvement Scheme Provisional Order Confirmation Act 1895.

Short title.

A.D. 1895.

SCHEDULE.

CITY AND ROYAL BURGH OF ABERDEEN.

*Provisional Order for confirming an Improvement Scheme under
Part I. of the Housing of the Working Classes Act 1890.*

WHEREAS the Lord Provost Magistrates and Town Council of the City and 5
Royal Burgh of Aberdeen being the local authority under the Housing of the
Working Classes Act 1890 presented to me the Right Honourable Sir George
Otto Trevelyan Baronet Secretary for Scotland a petition praying that an
order might be made confirming a scheme prepared by the said local authority
under Part I. of the said Act for the improvement of certain areas within the 10
said city and royal burgh :

And whereas a copy of the said scheme and of the estimates by which it was
accompanied is annexed to this Order :

And whereas the maps referred to in the said scheme have been deposited at 15
the office of the Secretary for Scotland :

And whereas on consideration of the said petition and on proof of the
publication of the proper advertisements and of the service of the proper notices
I thought fit to proceed with the case and directed a local inquiry to be made by
William Alexander Brown sheriff-substitute of Aberdeen Kincardine and Banff 20
in accordance with the provisions of the said Act for the purpose of ascertaining
the correctness of the official representations made to the said local authority as
to the areas and the sufficiency of the scheme provided for the improvement of
such areas and any local objections to be made to such scheme :

And whereas before commencing such inquiry the said William Alexander 25
Brown made public advertisement of his intention to make such inquiry and
stated the time and place at which he would be prepared to hear all the persons
desirous of being heard on the subject thereof in accordance with the provisions
of section 18 of the said Act.

And whereas the said William Alexander Brown has reported to me in 30
favour of the scheme :

And whereas the population occupying the areas comprised in the said
scheme is estimated at seven hundred and thirty-six persons and it is proved
to my satisfaction that there is sufficient and suitable accommodation for such
population in the neighbourhood of the said areas :

Now therefore I in pursuance of the powers vested in me by the said Act do hereby confirm the scheme and authorise the same to be carried into execution.

GEORGE OTTO TREVELYAN

5 Whitehall Her Majesty's Secretary for Scotland.
23rd May 1895.

ABERDEEN (HOUSING OF THE WORKING CLASSES ACT) IMPROVEMENT SCHEME.

SCHEME made by the Lord Provost Magistrates and Town Council of the city and Royal Burgh of Aberdeen being the local authority under the Housing of the Working Classes Act 1890.

1.—This Scheme may be cited as the Aberdeen (Housing of the Working Classes Act) Improvement Scheme.

2.—In this Scheme the following expressions shall have the meanings hereby assigned to them :—

15 "The burgh" means the city and royal burgh of Aberdeen.

"The Town Council" means the lord provost magistrates and Town Council of the city and royal burgh of Aberdeen.

"The town clerk" and the "burgh surveyor" mean respectively the town clerk and the burgh surveyor of the city and royal burgh of Aberdeen.

20 "The map" means the map which accompanies this Scheme.

"The areas" mean the areas coloured red blue and yellow on the map.

3.—The unhealthy area included in this Scheme is the area delineated and coloured red on the map. The area of neighbouring lands included in the Scheme as necessary in the opinion of the Town Council for making it efficient for sanitary purposes is delineated and coloured blue on the map and the areas delineated and coloured yellow on the map are necessary in the opinion of the Town Council for widening the existing approaches to the unhealthy area or for opening out the same for the purposes of ventilation or health. The areas herein before referred to are situated in the parish of St. Nicholas and within the burgh and county of Aberdeen

30 A duplicate of the map is deposited at the office of the town clerk and copies of the map or any part thereof certified by the burgh surveyor shall be received in all Courts of Justice or elsewhere as evidence of the contents thereof respectively.

35 4.—The Town Council may for the purposes of this Scheme and from time to time enter upon purchase take compulsorily and deal with all or any of the lands houses and buildings within the areas and take down and clear away the materials of such houses and buildings.

5.—The Town Council may lay out form pave sewer and complete such streets and with such approaches connections alterations of levels stopping up widening or diverting of existing streets lanes courts and closes and otherwise as may hereafter be determined by the Town Council to be necessary or proper for the purposes of this Scheme.

*Housing of the Working Classes Provisional [58 VICT.]
Order (Aberdeen).*

A.D. 1895.

6.—The Town Council may for the erection of suitable dwellings for persons of the working class displaced by this Scheme from time to time appropriate any parts of the areas and also any lands for the time being belonging to them or which they have power to acquire.

7.—All dwelling-houses which may be erected in accordance with this Scheme shall be well and substantially built and shall be so situated and constructed as to secure efficient ventilation and shall be furnished with a proper water supply and with proper drainage and other sanitary appliances and apparatus to the satisfaction of the Town Council and shall be subject to the provisions of the local Police Acts in force for the time.

8.—The Town Council shall as soon as practicable after the passing of the Act authorising this Scheme proceed to carry the same into execution but they may from time to time purchase and deal with parts of the lands within the areas without being required to purchase and deal with the whole of the lands within the areas.

9.—The Town Council may in carrying out any of the purposes of this Scheme sell and dispose of the lands and property herein-before authorised to be dealt with by them or they may if they see fit retain the areas or any parts thereof and appropriate the same for such public purpose or purposes as may hereafter be determined by the Town Council.

10.—The costs charges and expenses of and incident to the preparation of this Scheme and the obtaining of the relative Provisional Order and confirmation by Parliament and the expenses of the execution of this Scheme so far as not defrayed out of moneys received by the Town Council pursuant to the Housing of the Working Classes Act 1890 shall be paid by the Town Council out of the local rate as defined in the said Act or out of moneys borrowed for the purposes of the said Act Provided always that in repaying moneys so borrowed for the purposes of this Scheme the Town Council shall set apart as a sinking fund for repayment of the same not less than one-thirtieth part each year of the sum borrowed.

Dated at Aberdeen and the City Seal hereunto affixed this Fifteenth day of October One thousand eight hundred and ninety-four.

L.S.

W. GORDON Town Clerk.

ESTIMATE of Cost of Scheme made by the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Aberdeen being the Local Authority under the Housing of the Working Classes Act 1890 :—

	£	s.	d.	
Cost of acquiring the lands and buildings for the purposes of the Scheme clearing the sites and incidental works	25,776	0	0	
Estimated value of surplus lands available for re-sale	10,950	0	0	
Net cost of Scheme	14,826	0	0	

WM. DYACK Burgh Surveyor.

Aberdeen 15th October 1894.

Housing of the Working Classes Provisional Order (Aberdeen).

A

B I L L

To confirm a Provisional Order made
by the Secretary for Scotland under
Part I. of the Housing of the
Working Classes Act 1890 relating
to the City and Royal Burgh of
Aberdeen.

*(Prepared and brought in by
Sir George Trevelyan and The Lord Advocate.)*

*Ordered, by The House of Commons, to be Printed,
24 May 1895.*

PRINTED BY FRYE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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90, West Nile Street, Glasgow or
HODGES, FIEGERS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 276.]

Hypothec (Scotland) Bill.

MEMORANDUM.

The law of hypothec in Scotland gives landlords far more extended powers than the law of distress gives landlords in England, and it has always been considered as a grievance. The Hypothec Amendment Act was passed in 1867, which limited the landlord's power in certain ways, and in 1880 the Hypothec Abolition Act was passed, which repealed the landlord's right of hypothec for the rent of land exceeding two acres in extent and let for pasture or agriculture with the buildings thereon. The law as it now exists, therefore, extends only to the contents of building and land of less than two acres in extent. This landlord's right of hypothec places serious limitations on the credit of the working classes, and on their control over their own property. In the Amending Act of 1867, which limited the landlord's power of hypothec in reference to the produce of the land, there is also an express exemption of "any household furniture or furnishings, or any agricultural implements." Agricultural occupiers have therefore for many years past been exempted from the landlord's right of hypothec over their household effects, while other occupiers are still subject to this law, under which their furniture, furnishings, and tools are liable to sequestration by a landlord immediately after they enter on possession of a house as security for rent not then accrued, due, or payable.

The object of this Bill is, therefore, to abolish this remaining landlord's right of hypothec.

A

B I L L

TO

Amend the Law of Hypothec in Scotland.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1. From and after the *eleventh day of November one thousand eight hundred and ninety-five*, herein-after called the commencement of this Act, the landlord's right of hypothec for rent, in so far as still existing according to the law and practice of Scotland, shall be and is hereby abolished. Provided that nothing herein contained
- 10 shall apply to any claim for rent due, or which may hereafter become due under any lease, writing, or bargain, current at the date of commencement of this Act.

Landlord's
right to
hypothec to
cease after
11th Novem-
ber 1895.

2. This Act may be cited as the Hypothec Abolition (Scotland) Act, 1895.

Short title.

Hypothec (Scotland).

A

B I L L

To amend the Law of Hypothec in
Scotland.

(*Prepared and brought in by*
Mr. Provand, Mr. Cochrane, Mr. Cameron
Corbett, and Capt. Sinclair.)

Ordered, by The House of Commons, to be Printed,
1 March 1895.

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and 90, West Nile Street, Glasgow; or
HODGKINS, FRIGGIE, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 152.]

A

B I L L

TO

Confirm a Provisional Order of the Board of Agriculture A.D. 1895.
relating to the Inclosure of certain Lands in the
Parishes of Castor and Ailsworth in the County of
Northampton.

WHEREAS the Board of Agriculture did in pursuance of the
Inclosure Acts 1845–1882 issue in the year one thousand 8 & 9 Vict
eight hundred and ninety-four the Provisional Order of Inclosure c. 118., &c.
set forth in the schedule hereto and in a special report certified
5 that it was expedient that the same should be confirmed by
Parliament:

And whereas a Committee of the House of Commons to which
the same Provisional Order was referred recommended that the
same ought to be confirmed by Parliament without modification:

10 And whereas the said Inclosure cannot be proceeded with
without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty
by and with the advice and consent of the Lords Spiritual and
Temporal and Commons in this present Parliament assembled and
15 by the authority of the same as follows:—

1. The Provisional Order of Inclosure set forth in the schedule Order in
schedule
confirmed.
to this Act is hereby confirmed.

2. This Act may be cited as the Inclosure (Castor and Ailsworth) Short title.
Provisional Order Confirmation Act 1895.

A.D. 1895.

SCHEDULE.

PROVISIONAL ORDER FOR THE INCLOSURE OF A COMMON.

WHEREAS persons interested in certain lands called or known as the Open Fields Pastures Meadows and Waste Lands except Ailsworth Heath situate in the parishes of Castor and Ailsworth in the county of Northampton such lands being a common within the meaning of the Inclosure Acts 1845 to 1882 have made application to the Board of Agriculture to issue a Provisional Order for the inclosure of such lands and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Board that the persons making the said application represent at least one-third in value of such interests in the said lands as are proposed to be affected by the Provisional Order:

And whereas the said Board having taken the said application into consideration were satisfied that a prima facie case had been made out and that regard being had to the benefit of the neighbourhood as well as to private interests it was expedient to proceed further in the matter and accordingly ordered a local inquiry to be held by an officer of the Board:

And whereas the said officer having caused public notice to be given as required by the said Acts held pursuant to the said notice public meetings at the National School in the parish of Castor on the 15th and 16th days of March 1894 at the respective hours of eleven in the morning and seven in the evening to hear all persons desirous of being heard on the subject-matter of the said application and any information or evidence which might be offered in relation thereto and inquired into the correctness of the statements in the said application and otherwise into the expediency of making the Provisional Order applied for and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said officer inspected the said lands as required by the said Acts:

And whereas the said officer duly reported in writing to the said Board the result of the local inquiry and of the public meetings held by him together with the information obtained by him as to the several particulars in the said application and all other information required by the said Acts and annexed to his report a sketch map of the said lands a copy of which map is deposited in the office of the said Board:

And whereas the Ecclesiastical Commissioners for England as lords of the manor of Belsize and Botelers and Thorolds otherwise the manor of Castor are entitled to the soil of so much of the said lands as is waste of such

A D. 1895.

manor subject to a claim by the most Honourable William Alleyne Marquis of Exeter as lord of the manor of Langdale with the liberty of the hundred of Nassabergh and soke of the borough of Saint Peter otherwise Peterborough to be lord paramount of the aforesaid manor and as such
5 entitled to a right and interest in the soil of the said waste lands :

Now therefore in pursuance of the powers given to them by the Board of Agriculture Act 1889 and the said Acts the Board of Agriculture being satisfied that having regard to the benefit of the neighbourhood as well as to private interests the inclosure of the said lands is desirable have framed for
10 the consideration of the persons interested this Draft Provisional Order specifying the terms and conditions on which provided the necessary consents are given thereto they are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament that is to say :—

Leisure
grounds

That allotments for recreation grounds be set out as follows that is to
15 say :— Provision for recreation grounds.

Six acres at or near the spot marked A on the map herein before referred to ;

Six acres at or near the spot marked B on the said map ;

20 Six acres on Oldfield Common in such place as the valuer subject to the approval of the Board of Agriculture may select together with grass ways thereto not less than twenty yards wide from the respective villages of Castor and Ailsworth ;

25 The sloping bank between the high road and the river Nene opposite Ferry House together with the strips of grass land extending thence first by the river side and then through Thorn Field in a southerly westerly and northerly direction to the village of Castor as the same are tinted dark green on the said map subject to such deviation if any as to the Board of Agriculture may appear desirable.

30 That a convenient piece of land adjacent to the River Nene and situate between the points marked X and Y on the said map as a public bathing-place or in such other suitable situation as the Board may approve be set out by the valuer subject to the approval of the Board of Agriculture and that a sufficient shed screen or other erection for the use of bathers and a suitable fence be erected thereon by the valuer to the satisfaction of the
35 Board and be afterwards for ever maintained by the body of persons in whom the said piece of land is for the time being vested.

Provision for
bathing place.

That allotments for field gardens be set out as follows that is to say :—

Provision for
field gardens.

Fourteen acres at or near the spots marked C on the said map.

Twelve acres at or near the spot marked D on the said map.

40 Sixteen acres at or near the spot marked E on the said map.

That the following objects be preserved that is to say :—

(a.) The tree known as " Salter's tree."

Objects of
interest to be
preserved.

(b.) The road and banks forming the old Roman Road called Ermine Street.

45 (c.) The two stones called Robin Hood and Little John.

A.D. 1895.

Provision for
roads and
paths.

Manorial
allotment.

That carriage roads bridle paths and footpaths be set out to the satisfaction of the Board of Agriculture as may be convenient for public use the width between the fences of any such roads or paths or of any existing unfenced roads or paths across the lands to be inclosed to be such as regard being had to their public character the said Board may in each case direct. 5

That one-sixteenth part in value of the residue of the waste lands be allotted under the provisions of the said Acts in lieu of the right and interest of the said William Alleyne Marquis of Exeter and the said Ecclesiastical Commissioners in the soil of the said waste lands inclusive of their right and interest in all mines minerals stone and other substrata under the same and so that of the said one-sixteenth one-seventh part in value be allotted to the said William Alleyne Marquis of Exeter as lord of the manor of Langdale and six-seventh parts in value be allotted to the said Ecclesiastical Commissioners as lords of the manor of Belsize and Botelers and Thorolds otherwise Castor such allotments to be without prejudice to any allotments in respect of rights of pasturage or other rights over or upon the said waste lands. 10 15

In witness whereof the Board of Agriculture have hereunto set their official seal this seventh day of December one thousand eight hundred and ninety-four.

(L.S.)

JACOB WILSON. 20
Authorised by the President.

Inclosure (Castor and Ailsworth) Provisional Order.

A

B I L L

To confirm a Provisional Order of the
Board of Agriculture relating to the
Inclosure of certain Lands in the
Parishes of Castor and Ailsworth in
the County of Northampton.

*(Prepared and brought in by
Mr. Herbert Gardner and Sir John Hibbert.)*

*Ordered, by The House of Commons, to be Printed,
6 May 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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10, West Nile Street, Glasgow; or
HODGES, FRODIP, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 227.]

A

B I L L

TO

Confirm a Provisional Order of the Board of Agriculture relating to the Inclosure of certain Lands in the Parish of Upton St. Leonards in the County of Gloucester. A.D. 1895.

WHEREAS the Board of Agriculture did in pursuance of the Inclosure Acts 1845-1882 issue in the year one thousand eight hundred and ninety-five the Provisional Order of Inclosure set forth in the schedule hereto and in a special report certified 5 that it was expedient that the same should be confirmed by Parliament:

8 & 9 Vict.
c. 118, &c.

And whereas a Committee of the House of Commons to which the same Provisional Order was referred recommended that the same ought to be confirmed by Parliament without modification:

10 And whereas the said Regulation cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and 15 by the authority of the same as follows:—

1. The Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed. Order in
schedule
confirmed.

2. This Act may be cited as the Inclosure (Upton St. Leonards) Provisional Order Confirmation Act 1895. Short title.

A.D. 1895.

SCHEDULE.

PROVISIONAL ORDER FOR THE INCLOSURE OF A COMMON.

WHEREAS persons interested in certain lands called or known as The Common Fields situate in the parish of Upton Saint Leonards in the county of Gloucester such lands being a common within the meaning of the Inclosure Acts 1845 to 1882 have made application to the Board of Agriculture to issue a Provisional Order for the inclosure of such lands and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Board that the persons making the said application represent at least one-third in value of such interests in the said lands as are proposed to be affected by the Provisional Order :

And whereas the said Board having taken the said application into consideration were satisfied that a *prima facie* case had been made out and that regard being had to the benefit of the neighbourhood as well as to private interests it was expedient to proceed further in the matter and accordingly ordered a local inquiry to be held by an officer of the Board :

And whereas the said officer having caused public notice to be given as required by the said Acts held pursuant to the said notice public meetings at the parish reading room Upton Saint Leonards aforesaid on the 29th and 30th days of March 1894 at the respective hours of half-past ten in the morning and half-past seven in the evening to hear all persons desirous of being heard on the subject-matter of the said application and any information or evidence which might be offered in relation thereto and inquired into the correctness of the statements in the said application and otherwise into the expediency of making the Provisional Order applied for and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said officer inspected the said lands as required by the said Acts :

And whereas the said officer duly reported in writing to the said Board the result of the local inquiry and of the public meetings held by him together with the information obtained by him as to the several particulars in the said application and all other information required by the said Acts and annexed to his report a sketch map of the said lands a copy of which map is deposited in the office of the said Board :

And whereas after the said application for a Provisional Order had been made to the said Board Sir Herbert George Denman Croft of Lugwardine Court in the county of Hereford Baronet and James Richard Upton of No. 14 Austin Friars in the city of London solicitor the persons interested

A.D. 1895.

within the meaning of the said Acts in certain land not subject to the operation of the proposed inclosure (which land is tinted green on the map herein-before referred to and contains six acres) duly made application to the said Board to submit such land to the operation of the said proposed inclosure
5 under the provisions of the said Acts :

And whereas the said Board duly gave notice by advertisement in two successive weeks of their intention to embody in their Provisional Order in the matter of the said inclosure such directions in reference to the said application of the said Sir Herbert George Denman Croft and James Richard
10 Upton as might be necessary to carry out the desire of the said Sir Herbert George Denman Croft and James Richard Upton to submit their said land to the operation of the said proposed inclosure :

And whereas one calendar month has elapsed from the publication of the last of such advertisements and no notice of dissent from such proposed
15 directions has been given to the said Board :

Now therefore in pursuance of the powers given to them by the Board of Agriculture Act 1889 and the said Acts the Board of Agriculture being satisfied that having regard to the benefit of the neighbourhood as well as to private interests the inclosure of the said lands is desirable have framed for
20 the consideration of the persons interested this Draft Provisional Order specifying the terms and conditions on which provided the necessary consents are given thereto they are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament that is to say :

That the aforesaid land tinted green on the map herein-before referred to
25 and containing six acres be submitted to the operation of the proposed inclosure in consideration of an allotment to be made under such inclosure and be allotted as a recreation ground.

Provision for recreation ground.

That three acres at or near the spot marked A three acres at or near the spot marked B three acres at or near the spot marked C and six acres at or
30 near the spot marked D on the map herein-before referred to be allotted for field gardens.

Provision for field gardens.

That carriage roads bridle paths and footpaths be set out to the satisfaction of the Board of Agriculture as may be convenient for public use.

Provision for roads and paths.

In witness whereof the Board of Agriculture have hereunto set their official
35 seal this first day of March one thousand eight hundred and ninety-five.

(L.S.)

(Signed) RICHARD DAWSON
Authorised by the President.

Inclosure (Upton St.
Leonards)
Provisional Order.

A

B I L L

To confirm a Provisional Order of the
Board of Agriculture relating to the
Inclosure of certain Lands in the
Parish of Upton St. Leonards in
the County of Gloucester.

(*Prepared and brought in by*
Mr. Herbert Gardner and Sir John Hibbert.)

Ordered, by The House of Commons, to be Printed,
10 May 1895.

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80, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[B ill 235.]

A

B I L L

TO

Amend the Industrial and Provident Societies Act, 1893. A D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
5 and by the authority of the same, as follows:

1. This Act may be cited as the Industrial and Provident Societies (Amendment) Act, 1895. This Act and the Industrial and Provident Societies Acts, 1893 and 1894, may be cited together
10 as the Industrial and Provident Societies Acts, 1893 to 1895. Short title.

2. In all proceedings in winding up a society in Scotland under the principal Act, the court having jurisdiction shall be the sheriff court. Proceedings in Scotland.

3. Any appeal from the refusal of any assistant registrar in England, Scotland, or Ireland to register any rules or amendment
15 of rules shall be first to the Chief Registrar of Friendly Societies, and any appeal from his refusal on any such appeal to the court as specified in section seven of the principal Act. Appeals from refusal to register.

4. All copies of the Industrial and Provident Societies Act, 1893, printed after the *passing of this Act* by any of the several printers
20 to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom, shall be printed with the amendments required by this Act. Printing of future copies of principal Act.

Industrial and Provident Societies Act (1893) Amendment.

A

B I L L

To amend the Industrial and Provident
Societies Act, 1893.

(Prepared and brought in by
Mr. Howell, Mr. Bartley, Mr. Henry Hobhouse,
Sir Francis Powell, Mr. James Rowlands,
and Mr. Jas. Parker Smith.)

*Ordered, by The House of Commons, to be Printed,
5 March 1895.*

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90, West Nile Street, Glasgow; or
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[Price 3d.]

[Bill 159.]

Industrial and Provident Societies (Purchase of Fee Simple) Bill.

MEMORANDUM.

The Town Holdings Committee, in their final Report, recommend that compulsory powers for the enfranchisement of their leaseholds should be specially given to the following :—" Public Educational " Bodies, Co-operative and Provident Societies, and Public Authorities and Corporations."

This Bill is an attempt to carry out that recommendation so far as Industrial and Provident Societies are concerned.

The initial process is, on the customary lines, to compel the lessor or lessors by notice to estimate the present value of their interests, and the society wishing to enfranchise to offer a counter-price, with a reference, if they cannot agree, to the county or other analagous court. The capital sum or sums having been settled by agreement or by the court, power is given to the society to substitute a terminable or perpetual rentcharge for the capital payment, with the consent of the person or persons who had the reversionary interest.

Legal expenses are limited, and a scale of costs is provided.

Industrial and Provident Societies (Purchase of Fee Simple) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Society may acquire reversions by purchase.
5. Originating notice by society.
6. Production of deeds relating to the reversions and of the lease of the demised hereditaments.
7. Society may purchase reversions by agreement.
8. Application to court.
9. Court to fix a day for hearing, and to send notices to parties.
10. Assessment of purchase money.
11. Waiving of full proof of title in certain cases.
12. Payment of purchase money into court and issue of certificate of purchase, having effect of conveyance.
13. Distribution of purchase money.
14. Provision for cases of disability.
15. Provision in case of irregularities.
16. Costs to be paid by society.
17. Costs in case of default of society or of unfounded claim.
18. Limitation in certain cases of right to apply to court.
19. Appeals.
20. Rules.
21. Forms in schedule.
22. Notices may be printed or written.
23. Service of notices.

SCHEDULE.

A

B I L L

TO

Give facilities to Industrial and Provident Societies for the purchase of the Fee Simple of their Holdings. A.D. 1895.

WHEREAS it is expedient to amend the law so as to give to Industrial and Provident Societies the power to acquire the freehold reversion expectant on the determination of their leases and any intermediate interests in such property :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as the Industrial and Provident Societies (Leasehold Enfranchisement) Act, 1895. Short title.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-five*, which date Commence-
ment of Act. is herein-after referred to as the commencement of this Act.

3. In this Act the following words and expressions shall have Interpreta-
tion of terms. the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say) :—

20 “Lease” means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, for a term of lives or for a term of which *ten years* shall be unexpired at the time of the serving of the originating notice herein-after mentioned :

25 “Settlement,” “settled land,” and “tenant for life” have the same meanings respectively as in the Settled Land Acts, 1882 and 1884 :

“Court” means in England the county court for the district wherein any part of the demised premises is situated; in [Bill 126.]

A

A.D. 1895.

Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881:

“Prescribed” means prescribed by rules made in pursuance of this Act: 5

“Reversions” include “remainders”:

“Society” means any society registered under the Industrial and Provident Societies Act, 1876, 39 & 40 Vict. c. 45., or any Act amending that Act. 10

Society may
acquire
reversions
by purchase.

4.—(1.) From and after the commencement of this Act every society holding any hereditaments by lease shall have, as incident to and inseparable from their interest in such lease, whether granted before or after the commencement of this Act, the right to acquire the reversion expectant or consequent upon the determination of the term, and the reversions of any superior or intermediate lease or interest, and also the freehold reversion in the demised hereditaments in the manner herein-after provided; but a society shall not be entitled to exercise such right in respect of part only of the hereditaments demised by such lease, except where such part is the subject of a separate tenancy. 15 20

(2.) When the interest of the society in a lease is subject to an incumbrance, then, on the purchase by such society of such lease or of the freehold reversion expectant on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion had been actually conveyed to him by the instrument creating such incumbrance. 25

(3.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished. 30

Originating
notice by
society.

5.—(1.) When a society holding any hereditaments by lease is desirous of acquiring the reversion to the demised hereditaments in pursuance of this Act, he shall serve upon the lessor or his agent a notice, herein-after described as the originating notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect. 35

(2.) Within *twenty-one days* after the service of the aforesaid notice the lessor shall deliver to the society particulars of his interest in the demised hereditaments and the amount of purchase money which he claims for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or in a prescribed form. 40

(3.) Upon receipt of these particulars the society shall serve upon the persons who thereby appear to have a beneficial interest in the demised hereditaments a notice in the Form No. 3 in the schedule to this Act annexed, and each of such persons shall, within
 5 *twenty-one days* from the date of such service, deliver to the society notice of his interest in the demised hereditaments and the amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form.

A.D. 1895.

- 10 6. Within *one calendar month* after the service of the prescribed notice the society shall, if requested to do so, deliver to the lessor and any other person upon whom such notice shall have been served an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The
 15 lessee may, in the like manner and within the same specified time, require from the lessor and any other person upon whom such notice shall have been served an abstract of his title to his reversion and a verification of his title thereto.

Production of deeds relating to the reversions and of the lease of the demised hereditaments.

- 20 7. The lessor may agree with the society and all other persons who are beneficially interested in the demised hereditaments and any tenant for life or person having the powers of a tenant for life under any settlement comprising or affecting the demised hereditaments to acquire their interests by purchase, and in the case of any
 25 such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave or sanction of the High Court of Justice to such agreement, purchase, or sale.

Society may purchase reversions by agreement.

- 8.—(1.) Where the society and other persons interested in the demised hereditaments are unable to agree as to the amount of
 30 purchase money, or where any doubt or difficulty is alleged to exist as to the title of the lessor or other person, the society may make an application to the court in the prescribed form, and the court shall be empowered to hear and determine the points of difference between the parties and settle the amount to be paid by
 35 the society for the purchase of the respective interests of the parties concerned, and shall likewise make an award specifying and assessing the amount of purchase money to be paid for the purchase of the freehold reversion in the demised hereditaments, and shall direct the apportionment and distribution of such purchase moneys
 40 respectively among the persons entitled thereto, and may, subject

Application to court.

A.D. 1895. — to the provisions of this Act, make such orders as to costs as may be deemed expedient.

(2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars :—

5

(a.) The name and address and description of the society :

(b.) A description of the demised hereditaments and where situate :

(c.) The nature and extent of the applicant's interest in such hereditaments : and

10

(d.) The names, addresses, and descriptions of the lessor and all persons having or reputed to have a beneficial interest or estate in the aforesaid hereditaments.

(3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rent at the rate reserved in the lease, as a security for any costs and expenses that may be incurred in connexion with the application.

Court to fix a day for hearing, and to send notices to parties.

9. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in the demised hereditaments.

20

Assessment of purchase money.

10. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act, regard shall be had to the following directions :—

25

(a.) The purchase money shall be the sum which, in the opinion of the court, is the value of the present interests in the reversions in question expectant upon the determination of the lease :

30

(b.) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease unless the same were made in pursuance of antecedent covenants or agreements expressly entered into by him :

35

(c.) If the society or their predecessor in title shall have made improvements or incurred any outlay for which by law, custom, or contract such society or their predecessor is entitled to be compensated by the lessor, allowance shall be made for the present value of such improvement or outlay in the assessment of the purchase money :

40

(d.) Unless the lessor and all other persons interested concur in releasing the society from the obligation of observing the restrictive covenants of the lease the burden of such covenants so far as such covenants may be enforceable against the society shall be taken into account in arriving at the amount of purchase money, and the same shall thereupon cease.

A.D. 1895.

11.—(1.) Where it appears that the title of the lessor or other person claiming or reputed to be beneficially interested in the demised hereditaments cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title or other person claiming to have a superior interest in the said hereditaments has been in the actual receipt of the rent reserved by the lease for the *twelve years* immediately preceding the application to the court, be empowered to make an order waiving any further proof of title.

Waiving of full proof of title in certain cases.

(2.) The court shall subsequently proceed to ascertain the respective rights of the several persons claiming to be entitled to the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just.

12. The society shall, within *one month* from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment shall be entitled to a certificate of purchase, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given and the restrictive covenants (if any) to which the demised premises remain subject; and such certificate shall operate as a conveyance from the day of its date to the society of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money, and such premises shall be thereby forthwith vested in the society.

Payment of purchase money into court and issue of certificate of purchase having effect of conveyance.

13.—(1.) On receipt of the said sum the court shall give *one month's* notice to the lessor and other persons interested of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

Distribution of purchase money.

A.D. 1895.

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same. 5

(3.) On the purchase by the society of any lease or freehold reversion expectant on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1887, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject 10 to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same 15 provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the society to obtain the consent of any court to the carrying out of 20 any sale to a society of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the society of the purchase money or execution of the deed of conveyance securing a rent in lieu of purchase money, as before provided, the society shall not be made a party to 25 any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

Provision for
cases of
disability.

14.—(1.) In the event of the disability, by infancy, coverture, 30 insanity, or otherwise, of any person who but for such disability would have been entitled to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on 35 his behalf.

(2.) Every provident or industrial society holding any hereditaments by lease shall, notwithstanding any disability, be able to purchase or hold land in pursuance of this Act.

Provision in
case of irre-
gularities.

15. Where any of the parties make default in complying with 40 any of the obligations imposed on them by this Act, or where any

error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order, or otherwise howsoever, upon
5 such terms and conditions as may be deemed expedient. A.D. 1895.

16.—(1.) The costs of the society in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or execution of the deed securing a rentcharge shall, subject as herein-after provided, be borne and
10 paid by the society, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the payment to the society of the balance of such deposit (if any), but if any costs remain unpaid they shall be an equitable charge upon the society's interest in the demised premises,
15 and the balance so remaining shall be paid in such manner as the court may direct.

Costs to be
paid by
society.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the society except in cases where the court shall otherwise decide.

20 (3.) In respect of every purchase taking place under this Act there shall be paid by the society to the solicitors of the freeholder in reversion whose interest shall be purchased, for deducing the title to such interest and for investigating the title of the lessee and for completing the conveyance to the lessee, the following fees,
25 exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,

Where the purchase money does

not exceed 1,000*l.* - - - 30*s.* per 100*l.* of purchase money.

30 For the second and third 1,000*l.* 20*s.* per 100*l.*

For the fourth and each subse-

quent 1,000*l.* and up to 10,000*l.* 10*s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

17. Where the society has wilfully or negligently delayed or made
35 default in proceeding with their application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of
40 such default or unfounded claim. Costs in case
of default of
society or of
unfounded
claim.

18. If the application of any society be dismissed, or their right to the benefit of this Act be determined against them, or they decide and
Limitation in
certain cases
of right to

A.D. 1895. apply to Court. be permitted no further to proceed by reason of their being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised hereditaments, they shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall they ⁵ take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application.

Appeals. **19.**—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law ; ¹⁰ in Scotland in the same manner as appeals are now made from the decisions of sheriffs ; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be ¹⁵ subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard.

(2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts ²⁰ or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

(3.) In the case of appeals all costs incurred in the matter subject to appeal shall be in the discretion of the court to which appeal is ²⁵ made.

Rules. **20.** Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the ³⁰ Sheriffs Courts Acts in Scotland, and of the Land Acts in Ireland.

Forms in schedule. **21.** Any deeds, notices, or other documents in the form contained in the First Schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all ³⁵ purposes.

Notices may be printed or written. **22.** Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

23. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

A.D. 1895.
Service of
notices.

(a.) By delivering the same to such person; or

(b.) By leaving the same at the usual or last known place of
5 abode of such person; or

(c.) By forwarding the same by post in a prepaid letter addressed
to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been
served at the time when the letter containing the notice would be
10 delivered in the ordinary course of post, and in proving such service
it shall be sufficient to prove that the letter containing the notice
was properly addressed and put into the post.

A.D. 1895.

SCHEDULE.FORMS.

FORM NO. 1.

Originating Notice by the Society.

In pursuance of the provisions of the Industrial and Provident Societies 5
(Leasehold Enfranchisement) Act, 1895, the Society of
holding by a dated the day of
granted for a term of years, and of another year
of the property herein-after mentioned from the day of

, the society does hereby give you notice that they intend to 10
exercise the powers of the said Act, and to purchase the reversion expectant on
the determination of the said term, and the reversions of any superior or inter-
mediate lease or interest, and the freehold reversion in the demised premises,
and the short particulars of which are stated below. And that the society are
willing to submit themselves to the provisions of the said Act, and to purchase 15
pursuant to the said Act the said property, and requires from you in writing
addressed to the Society at the following particulars:—

(1.) In the event of your holding the premises under a lease or leases—(a.) The
date of such lease or leases. (a. 1.) The term or terms for which the premises
are held. (b.) The names and addresses of the lessors so far as you can supply 20
the same, and of the agents of the lessors if known to you. (c.) The names
and addresses of the agents or persons to whom you made the last payment of
rent in respect of the property comprised in such lease or leases. (d.) The
amount of rent reserved by the lease or leases for the remainder of the term of
the lease or leases. (e.) And if the same relates to any other property than 25
that comprised in the lease, to which this notice relates, the short particulars
and description of such other property in case you require the said other
property to be purchased. (f.) And the amount you claim as purchase money
for the interests and property comprised in the notice in writing so to be
given by you. 30

(2.) In the event of your being entitled to the freehold reversion expectant
or consequent upon the determination of the lease now held by the Society as
lessees. You are required to state the particulars of your interest in the said
property, and in separate amounts the respective purchase moneys you claim—
(a.) for such reversion, and (b.) for such rent as may be payable to you during 35
the residue of the term of the lease.

Dated this day of 18 .

The Short Particulars of the Property above referred to.

A.D. 1895.

[Here describe the premises according to the usual or postal address] and add the words :

And which description is intended to describe the property comprised in the
 5 lease dated , made between for a term
 of years from the day of at the rent
 of £ in respect of which this notice is given.

FORM No. 2.

Particulars of Lessor's or Freeholder's interest and price for Sale.

10 I, the undersigned of , [or the under-
 signed duly authorised agent for this purpose of
] in reply to the society's originating notice under the Industrial and
 Provident Societies (Leasehold Enfranchisement) Act, 1895, dated
 day of 18 , hereby inform the society that the premises men-
 15 tioned in your , and in respect of which the society are now
 paying the rent of £ , were granted or demised by indenture of
 lease (or leases) bearing date (respectively) the day of
 (and the) (day of) and made between
 for a term of years from the day
 20 of , and that the same are held by me under an indenture of lease
 (or leases) bearing date (respectively) the day of and
 made between and for a term of
 years from the day of at a rent or
 rents of £ per annum, payable (free from all
 25 deductions whatsoever except income tax) (or that I hold the same in fee simple),
 and I claim as purchase money for the freehold reversions expectant upon the
 termination of the term of years now held by the Society the sum of £ ,
 and as purchase money for the £ per annum payable to me as
 aforesaid under the lease (or leases) before mentioned the sum of £
 30 as purchase money.

If held by the
 lessor under a
 lease state the
 following
 particulars.
 State if any
 charges or
 taxes are
 payable out of
 the rent by
 the lessor.

Dated this day of 18 .
 Yours, &c.

FORM No. 3.

Notice by Society of desire to exercise the powers of the Act.

Having been informed by of that
 35 the under-mentioned premises are comprised in a lease (or leases) dated the
 , and made between for a term of
 years and of another year from the day of
 at the yearly rent or rents of £ payable [quarterly]
 (free of all rates and taxes except property tax), and that you are entitled as
 40 lessor to the rents and profits of such premises, and to the freehold reversion
 expectant on the determination of the said lease, the Society

Recite the
 facts from
 notice given in
 Form No. 2.

A.D. 1895. of hereby inform you that on the day of
in pursuance of the powers of the Industrial and Provident Societies (Leasehold
Enfranchisement) Act, 1895, an originating notice (a copy of which is enclosed
herewith) was sent to the lessor under whom I hold the under-mentioned
premises, and the society hereby submit to the provisions of the above- 5
mentioned Act, and pursuant to the provisions thereof require you within one
calendar month from the date hereof to deliver to the society at the above
address a notice in writing stating the following particulars :—

1. } Copy remainder of notice from Form No. 1.
2. }

10

Industrial and Provident Societies (Purchase of Fee Simple).

A

B I L L

To give facilities to Industrial and
Provident Societies for the purchase
of the Fee Simple of their Holdings.

(Prepared and brought in by
Mr. James Routlands, Mr. Lambert,
Mr. Bartley, Mr. Channing, Mr. Henry J. Wilson,
Mr. David Thomas, Mr. Buchanan, Mr. Crilly,
Mr. Cameron Corbett, and Mr. Charles Fenwick.)

Ordered, by The House of Commons, to be Printed,
19 February 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller from
LYKE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGKIN, FIEGEL, & Co., Limited, 10, Grafton Street, Dublin.

[Price 2d.]

[Bill 126.]

A

B I L L

TO

Exempt from Poor and other Local Rates all Registered A.D. 1895.
Institutions for the care, training, and education of
Idiots and Imbeciles.

WHEREAS it is expedient that registered institutions for the
care, training, and education of idiots and imbeciles should
be exempt from the payment of poor and other local rates.

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :—

1. From and after the *first day of October one thousand eight* Exemption
hundred and ninety-five, no person or persons shall be rated, or shall from rates.
10 be liable to be rated, or to pay to any local rates, whether levied
for county purposes, for relief of the poor, or for any other purpose,
for or in respect of any institution for the care, training, and
education of idiots and imbeciles, which is supported wholly or in
part by annual voluntary contributions, and registered under the
15 Idiots Act, 1886.

2. This Act shall extend to England only. Extent of Act.

3. This Act shall be cited as the Idiots' Institutions (Exemption Short title.
from Rates) Act, 1895.

Institutions for Idiots (Exemption from Rates).

A

B I L L

To Exempt from Poor and other Local
Rates all Registered Institutions for
the care, training, and education of
Idiots and Imbeciles.

(*Prepared and brought in by*
Mr. Round, Mr. Ainsworth,
Sir Frederick Mappin, Mr. Macaire,
Mr. Tomlinson, Mr. Allison and
Sir William Houldsworth).

Ordered, by The House of Commons, to be Printed,
9 April 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or

JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 208.]

Intoxicating Liquors (Licences) Bill.

ARRANGEMENT OF CLAUSES.

Restrictions on Licences.

Clause.

1. Restrictions between passing of Act and 1899.
2. Restrictions after 1899.
3. Proportion of licences to population.

Sale of Licences.

4. Licences to be offered for public tender.
5. Licences Liquidation Fund.
6. Ultimate application of moneys received for licences.

Power of Ratepayers.

7. Power of ratepayers to insist on early closing or Sunday closing.
8. Power of ratepayers to veto grant of licences for sale of intoxicating liquors.
9. Provisions as to poll.
10. Rescission of resolution.
11. Costs of poll of ratepayers.
12. Savings for hotels, &c.

Appointment of Inspectors.

13. Power of confirming licensing authority to appoint inspector.
14. Powers of inspector.
15. Report to confirming authority.

Clubs.

16. Registration of clubs.
17. Application for registration.
18. Registration fees.
19. Evidence as to nature of club.
20. Power to remove from register.
21. Appeal.

Miscellaneous.

Clause.

22. Penalty on offences under Act.
23. Interpretation.
24. General savings.
25. Short title of Act.
26. Extent of Act.

SCHEDULE.

A

B I L L

TO

Amend the Law relating to Licences for the Sale of Intoxicating Liquors. A.D. 1895.

WHEREAS it is expedient to impose further limitations on the grant of licences for the sale of intoxicating liquors, and otherwise to amend the Licensing Acts, 1872 to 1874:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restrictions on Licences.

1. During the period intervening between the *passing of this Act* and the general annual licensing meetings held in the year *one thousand eight hundred and ninety-nine*, it shall not be competent for the licensing justices for a licensing district to grant any licence for the sale by retail of any intoxicating liquor in respect of any premises not licensed for such sale at the *passing of this Act*, if and so long as the number of such licences exceeds the proportion herein-after mentioned of such licences to population in that district.

Restrictions between passing of Act and 1899.

2. At their general annual licensing meeting in the year *one thousand eight hundred and ninety-nine*, and in every subsequent year, the licensing justices for each district shall only grant such number of such licences for sale by retail of any intoxicating liquor as shall not exceed the proportion herein-after mentioned of such licences to population in that district, and every licence so from time to time granted shall be deemed to be a new licence within the meaning of section thirty-two of the Licensing Act, 1874.

Restrictions after 1899.

3. The proportion of such licences to the population of a licensing district for the purposes of this Act shall not exceed the following proportion, viz.:—

Proportion of licences to population.

If the district or part of the district be urban in character—

One licence if the population is under one thousand;

Two licences if the population is over one thousand and under two thousand;

[Bill 124.] A

A.D. 1895.

Three licences if the population is over two thousand and under three thousand ;

With one additional licence for every additional thousand or part of a thousand of population.

If the district or part of a district be rural in character— 5

One licence if the population is under six hundred ;

Two licences if the population is over six hundred and under one thousand two hundred ;

Three licences if the population is over one thousand two hundred and under one thousand eight hundred ; 10

With one additional licence for every six hundred or part of six hundred of population.

The confirming authority herein-after defined shall decide whether any district or part of a district is urban or rural in character.

Provided that if the licensing justices for a district are satisfied 15 that in their district there is such a bonâ fide demand for accommodation for travellers as to justify the granting of additional licences, they may grant such additional licences in respect of bonâ fide hotels and inns not having any public bar, and in respect of refreshment rooms, in their district as they may deem necessary, 20 on and subject to such terms and conditions as the licensing justices shall see fit.

Provided also that the licensing justices may take into consideration any representation signed by at least one-fourth of the ratepayers resident in a village or other portion of a rural district 25 that such village or other portion of their district is without any licensed premises for the sale of intoxicating liquors ; and the justices may, if satisfied that the majority of the inhabitants are in favour of the grant of a licence, recommend the confirming authority to grant such licence ; and thereupon the confirming authority shall 30 have power, if they in their absolute discretion think fit, to grant such licence, notwithstanding that the proportion of licences to population allowed by this section would be thereby exceeded.

Sale of Licences.

Licences to
be offered
for public
tender.

4. At their general annual licensing meeting in the year *one* 35 *thousand eight hundred and ninety-nine*, and in every subsequent year, the licensing justices in every licensing district shall offer for public competition by tender any licences which they have power to grant, and licences granted shall come into operation on the *tenth day of October* next following ; but they shall not be bound to 40 accept the highest tenders, nor shall they accept any tender unless satisfied as to the character of the person making it and as to the suitability of the premises in respect of which the licence is sought. Such licences shall continue in force for *five years*.

A.D. 1895.

In every county the county licensing committee, and in every borough the borough licensing committee, or joint committee as the case may be, may make regulations respecting the mode and conditions of making and receiving tenders, and the payment of
 5 purchase money, and such other matters as they may think proper for the better execution of this section, which regulations shall be observed by the licensing justices acting for each district.

5.—(1.) All moneys received by the licensing justices of a district in respect of the sale of licences under this Act during each of the
 10 two periods of *five years* immediately following the General Annual Licensing Meeting in the year *one thousand eight hundred and ninety-nine*, shall be carried to a fund to be established for the district by and subject to the control of the licensing justices, and to be called “The Licences Liquidation Fund (District).”
 15 (2.) In each of those respective periods, the licensing justices shall distribute the sums from time to time standing to the credit of the fund and available for distribution among the persons beneficially interested in the licenses which were in force within the district at any time during the *three years* preceding the General Annual
 20 Licensing Meeting in the year *one thousand eight hundred and ninety-nine*, including the personal representatives of any such person deceased.

(3.) With a view to such distribution, the justices may make such regulations as to the time and mode of sending in claims, and
 25 as to meetings of claimants and agreements respecting the distribution, and other incidental matters as they may see fit; and the decisions of the justices as to the validity of any claim by any class of persons or person, as to the rights of claimants *inter se*, and as to the value of any beneficial interest, and all other matters, shall in
 30 all cases be final and without appeal; and no action shall lie or be entertained respecting any regulation matter or thing *bonâ fide* made or done by justices under this section.

(4.) Provided always that no payment shall be made out of the fund in respect of any licence which has been forfeited or revoked
 35 or of which the renewal has been refused by the justices on the ground of any conviction or misconduct or of the character of the applicant.

(5.) Provided also that no person shall receive out of the fund any greater sum than shall, in the opinion of the justices, represent the
 40 amount of his beneficial interest.

6. After the expiration of the second of the said two periods of five years any balance of moneys remaining in the Licences

Ultimate application of moneys

A.D. 1895.
—
received for
licences.

Liquidation Fund of any district, and all moneys subsequently received by licensing justices in respect of the sale of licences under this Act shall (subject to payment of the costs and expenses by this Act charged thereon) be paid into Her Majesty's Exchequer.

Power of Ratepayers.

5

Power of
ratepayers
to insist on
early closing
or Sunday
closing, &c.

7.—(1.) On the written requisition, at any time after the expiration of *twelve months* from the passing of this Act, of not less than one-tenth of the ratepayers in any licensing district, the council of the county or borough in which the district is situate shall cause to be taken a poll of the ratepayers of the district on both or either 10 of the following questions, according to the tenour of the resolution, namely, (a) whether licensed premises shall be closed between *ten p.m.* and *eight a.m.*; or (b) whether licensed premises shall be altogether closed on Sundays and on days of parliamentary elections. 15

(2.) If question (a) or (b) is resolved in the affirmative by the votes of a majority of the persons voting at such poll, then after the expiration of *three days* from the date of the declaration of the poll on the resolution all licensed premises in the district shall be closed between *ten p.m.* and *eight a.m.*, or shall be closed altogether 20 on Sundays and on days of parliamentary elections, as the case may be, according to the tenour of the resolution.

(3.) In case no poll has been taken, the justices may when granting such licences as aforesaid impose the conditions that the premises shall be closed between *ten p.m.* and *eight a.m.*, and on 25 Sundays and days of parliamentary elections, or either of such conditions.

Power of
ratepayers
to veto
grant of
licences for
sale of in-
toxicating
liquors.

8.—(1.) On the written requisition, at any time after the *tenth day of October one thousand eight hundred and ninety-eight* of not less than one-tenth of the ratepayers in any licensing district, the 30 council of the county or borough in which the district is situate shall cause to be taken a poll of the ratepayers of the district, on the question whether the sale by retail of intoxicating liquors in that district shall be prohibited.

(2.) If the question is resolved in the affirmative by the votes of 35 *three-fourths* of the persons voting at such poll, no licence for sale by retail of any intoxicating liquor (save such special licences as are in this Act mentioned) shall be granted in respect of any premises in the district, so long as the resolution is in force.

9.—(1.) The persons entitled to vote at a poll under this Act shall be the persons entitled to vote at any municipal or county council election, for any part of the area included in the licensing district for which the poll is taken. A.D. 1895.
Provisions
as to poll.

5 (2.) The poll shall be taken on such day as the chairman of the council of the county or mayor of the borough shall fix.

(3.) Subject to the provisions of this Act the poll shall be taken by ballot, in like manner, as nearly as may be, as a poll for election of county or borough councillors, except that the ballot paper shall
10 be in the form in the schedule to this Act.

10. Any resolution passed as aforesaid may be rescinded by a similar vote at any time after the expiration of *five years* from the passing thereof, and, if rescinded, a ballot shall not be again taken on the question before the expiration of *five years* from the
15 date of such rescission. Rescission of
resolution.

11. All costs properly incurred in relation to the taking of a poll of ratepayers as aforesaid shall be paid by the council of the county or borough in which the licensing district is situate out of the county fund or borough fund, as the case may be, and shall be
20 recouped to the council by the justices acting for the licensing district out of the proceeds of sale of licences received by them under this Act. Costs of poll
of rate-
payers.

12. Notwithstanding the passing of any such resolution as aforesaid in a licensing district, the licensing justices shall have
25 power to grant and renew such special annual licences as they see fit for the sale by retail of intoxicating liquors in any railway refreshment rooms to persons arriving or departing by train, and in any hotel or inn to persons lodging therein, or to bonâ fide travellers taking meals therein, but such licences shall be issued
30 only on and subject to such terms and conditions as the licensing justices shall see fit. Savings for
hotels, &c.

Appointment of Inspectors.

13.—(1.) The confirming authority, herein-after defined, in any county or borough with the consent of the county council or borough
35 council, as the case may be, may, if they see fit, appoint an inspector or inspectors, and every inspector appointed under this Act shall be removable by the confirming authority at their pleasure. Power of
confirming
licensing
authority to
appoint
inspector.

(2.) There shall be paid to every such inspector by the county council or the borough council, as the case may be, out of the
40 county fund or borough fund, such reasonable salary and allowances as the council shall think fit; but the whole or such propor-

A.D. 1895.

tion of the salary and expenses of inspectors appointed under this Act as the confirming authority may think fit shall be recouped to the confirming authority by the justices of the several licensing districts within their jurisdiction out of the proceeds of the sale of licences received by them under this Act.

5

Powers of
inspector.

14. An inspector appointed under this Act may at any time enter licensed premises, and shall be afforded by the occupier every reasonable opportunity of inspecting such premises, and of taking samples of the intoxicating liquors sold there.

Report to
confirming
authority.

15.—(1.) It shall be the duty of the inspector or chief inspector for each licensing district to report, not less than once a year, to the confirming authority, as to the ownership, occupancy, condition, and management of the licensed premises within his jurisdiction, the prevalence of drunkenness, the extent and nature of accommodation afforded in the way of refreshment, sleeping, stabling, and otherwise, and its proportion to the requirements of bonâ fide travellers and others, and to make such recommendations as shall seem fit to him.

10

15

(2.) A copy of such report shall be sent by the confirming authority to the licensing justices for each licensing district, and shall be considered by them on the hearing of any application for the grant of a licence; and if any complaint of the condition or management of any licensed premises is made in such report, a copy of such complaint shall be sent by the confirming authority before such hearing to the occupier of such premises.

25

*Clubs.*Registration
of clubs.

16.—(1.) The provisions of section three of the Licensing Act, 1872, with regard to the prohibition of the sale of intoxicating liquor by retail without a licence, shall extend to the sale of intoxicating liquor in any club, unless the club is registered under this Act.

30

(2.) The licensing justices for each licensing district shall keep a register for the purpose of the registration of clubs within their district.

(3.) Such register shall contain the following particulars respecting every club registered therein:—

35

(i.) The name and locality of the club, and the objects for which the club is established.

(ii.) The description of the club premises.

(iii.) The name of the secretary or other responsible officer.

40

A.D. 1895.

Application
for regis-
tration.

17.—(1.) The secretary or other officer of any club desirous of being registered under this Act shall, in the case of a club existing at the date of the *passing of this Act* within *three months* after the passing of this Act, and, in the case of a club formed after the
5 passing of the Act, before the opening of the club premises, apply to the licensing justices of the district in which such club is situate to register such club, and shall give such other notice of his intention to apply for registration as is now required from applicants for licences to sell by retail intoxicating liquors, and the licensing
10 justices for the district shall, if they are satisfied that such club is being used or is intended to be used *bonâ fide* as a club for social purposes, grant registration thereof.

(2.) Such secretary or other officer shall at the time of making such application furnish to the licensing justices with regard to the club
15 of which he is secretary or officer the particulars above specified, and shall also from time to time, when required by the justices, furnish to them a copy of the rules and a list containing the names and addresses of the officers, committee, or other governing body, and members of such club.

20 (3.) Before the *tenth day of October* in every year subsequent to the first registration, an application in such form as the licensing justices may prescribe must, if it is desired to continue the sale of intoxicating liquors, be made to the licensing justices for renewed registration.

25 (4.) Any person who furnishes any information under the requirements of this section knowing the same to be false or insufficient in any material particular shall be liable on summary conviction to a fine not exceeding *twenty pounds*.

18.—(1.) The secretary or other officer of every club shall, before
30 such club is registered, pay to the licensing justices a registration fee at the rate of *five pounds* per centum on the total receipts of the club from the sale of intoxicating liquor during the year ending on the last preceding *thirty-first day of December*; and the like fee annually at such time as the licensing justices shall fix.

Registration
fees.

35 (2.) The secretary or other officer of every club on applying for registration shall send to the licensing justices a return in such form as the justices may prescribe, showing the amount of the said receipts; and the accounts of the club may be inspected by a person appointed by the justices for comparison with the return.

40 (3.) If on the first application for registration a return cannot be made for the purposes of this section, the justices may fix the registration fee at a sum not exceeding *five pounds* where the maximum

A.D. 1895. — number of members of the club does not exceed one hundred, *ten pounds* where the maximum number does not exceed two hundred, and so on in like proportion.

Evidence as to nature of club. **19.** Before granting registration of a club the licensing justices shall hear the evidence of any person who is of opinion that such club is not, or is not intended to be, a *bonâ fide* club for social purposes. 5

Power to remove from register. **20.** Any person alleging that a club registered under this Act has ceased to exist, or is not a *bonâ fide* club for social purposes, or that drunkenness is habitually permitted in the club premises, or that the club is used principally for the consumption of intoxicating liquor, may apply to the licensing justices of the district to remove the name of the club from the register. 10

If after giving at least *twenty-one days'* notice of the allegation or allegations to the secretary or other officer of the club, and after hearing the applicant and any person desirous of being heard on the part of the club, the justices are of opinion either that the club has ceased to exist, or is not a *bonâ fide* club for social purposes, or that drunkenness is habitually permitted on the club premises, or that the club is used principally for the consumption of intoxicating liquors, they may remove the name of the club from the register, and thereupon the club, for the purposes of this Act, shall cease to be a registered club. 15 20

Appeal. **21.** A refusal of the licensing justices to grant registration of a club, and a decision of licensing justices to remove a registered club from the register, shall be subject to the like right of appeal as the refusal to renew a licence under the Licensing Acts. 25

Miscellaneous.

Penalty on offences under Act. **22.—(1.)** Any licensed person who does or causes or suffers to be done any act in contravention of any resolution of ratepayers under this Act for the time being in force, or of the conditions of his licence, or who obstructs or hinders any inspector in the execution of his powers under this Act, shall be liable on summary conviction to a fine not exceeding *fifty pounds*. 30

(2.) If any licensed person or his manager is convicted under this section twice within *two years*, such licensed person shall not again receive a licence for *five years* from the date of the licensing day which next follows such second conviction. 35

Interpretation. **23.** In and for the purposes of this Act the expression "confirming authority" means in counties the county licensing 40

committee, and in boroughs the whole body of borough justices, or the joint committee appointed under section thirty-eight of the Licensing Act, 1872, as the case may require; and the expression “licensing district” and other expressions to which meanings are assigned in the Licensing Acts, 1872 to 1874, have, unless the context otherwise requires, the same respective meanings.

A.D. 1895.

24. Nothing in this Act shall, except in so far as is expressly provided, affect—

General savings.

- 10 (1.) The sale of intoxicating liquor by proprietors of theatres in pursuance of the Acts in that behalf.
- (2.) The sale of intoxicating liquor in packet or passenger boats in pursuance of the Acts in that behalf.
- (3.) The sale of spirits in canteens in pursuance of any Act regulating the same.
- 15 (4.) The sale of medicated or methylated spirits.
- (5.) The sale of any intoxicating liquor by wholesale.

25. This Act may be cited as the Licensing Act, 1895.

Short title of Act.

26. This Act does not extend to Scotland or to Ireland.

Extent of Act.

SCHEDULE.

20

FORM OF BALLOT PAPER.

If you are in favour of * place a X opposite the word Aye; if you are against it, place a X opposite the word No. Do not write anything or make any other mark on the paper.

25

Aye	
No	

* Here insert as the case may require—“prohibiting the sale by retail of intoxicating liquors in your district,” or “closing licensed premises on Sundays and days of parliamentary elections,” or “closing licensed premises between 10 p.m. and 6 a.m.”

Intoxicating Liquors (Licences).

A

B I L L

To amend the Law relating to Licences
for the Sale of Intoxicating Liquors.

*(Prepared and brought in by
Sir Henry E. Roscoe, Mr. Jacob Bright,
Mr. W. Crosfield, Mr. Robert Leake,
Mr. W. Mather, and Mr. C. S. Roundell.)*

*Ordered, by The House of Commons, to be Printed,
19 February 1895.*

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[*Price 1½d.*]

[Bill 124.]

A

B I L L

TO

Enable the Ratepayers of any locality to veto the issue of A.D. 1895.
Licences for the sale of Intoxicating Liquors in Ireland.

WHEREAS the traffic in intoxicating liquors is one of the main causes of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community :

5 And whereas it is expedient to confer powers upon ratepayers and parliamentary voters in towns and districts in Ireland to prohibit or control such traffic :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following terms in this Act shall have the meanings Definitions.
assigned to them respectively :

15 "Voter" in this Act shall mean any person whose name shall from time to time be duly entered upon the register of voters for poor law guardians :

"Town" shall mean and include—

Any parliamentary or municipal borough ; also
20 Any town having commissioners under an Act passed in the session of Parliament held in the ninth year of the reign of King George the Fourth, chapter eighty-two, intituled
" An Act to make provision for the lighting, cleansing,
" and watching of cities and towns corporate, and market
" towns, in Ireland, in certain cases ;" also

25 Any town having municipal commissioners under an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty Queen

A.D. 1895.

Victoria, intituled "An Act for the regulation of municipal corporations in Ireland;" also

Any town having town commissioners or commissioners under the Towns Improvement Act, 1854, or under any Local and Personal Act: 5

"Division" shall mean a ward or division of any town which has been divided into wards or divisions for the purposes of municipal elections:

"District" shall mean an electoral division formed under the Acts for the relief of the poor, where such district shall not include a town; but where such district shall include a town or towns, shall mean that portion of such district not included within the boundaries of such town or towns:

"Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented, distilled, or 15 spirituous liquors which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue:

"Licence" shall mean any licence for the sale of any intoxicating liquor granted by an officer of excise upon production of a 20 certificate of any recorder of a city or borough or of justices under the provision of any Act now or hereafter requiring such certificate:

"Licensing authority" shall mean, as to licences granted in pursuance of certificates given at the recorder's court for any 25 city, borough, or town respectively, and as to renewals or transfers of such licences, the recorder of any city, borough, or town respectively, and as to licences granted in pursuance of certificates given at quarter sessions, and as to renewals or transfers of such licences, the justices or authority empowered 30 to grant such certificates at quarter sessions, and as to other licences, excise licences, and wholesale beer dealers' licences, the justice or justices empowered to grant certificates for the same respectively.

Application of voters for a poll to determine on the adoption or rejection of three resolutions.

2. It shall be lawful at any time *after the passing of this Act* for 35 any number, not being less than one tenth of the whole of the voters in any town, division, or district, by notice in writing not later than the *first day of May* in any year, if in a town or division to be served upon the mayor or chairman of the town commis- sioners as the case may be of the town, or if in a district, to be 40 served upon the sheriff of the county in which such district (or the

A.D. 1895.

largest portion of the area thereof) is situated, requiring such mayor, chairman, or sheriff to take a poll of the voters in such town, division, or district for or against the adoption in such town, division, or district of the three resolutions of the purport and effect

5 hereafter in this section mentioned, such poll to be taken in manner herein-after provided, not later than twenty-one days, nor sooner than seven days, after such notice in writing shall have been so served as aforesaid, and such mayor, chairman of town commissioners, or sheriff shall be the returning officer under this Act.

10 Such returning officer may, if he thinks fit, within two days from the service of such notice, require an agreement by or an undertaking from the persons serving such notice, jointly or severally, to pay the returning officer the expenses of proceedings under this Act in case none of the said resolutions shall be adopted, and such
15 returning officer shall not be bound to proceed under this Act until such agreement or undertaking be given.

(1.) First resolution—That the sale of intoxicating liquors shall be prohibited :

(2.) Second resolution—That the number of licences, excise
20 licences, and wholesale beer dealers' licences, respectively, shall be reduced to a certain number, to be specified in such notice :

(3.) Third resolution—That no new licences shall be granted.

Except as hereafter in this Act provided, every poll under this Act shall be taken on each of the said three resolutions.

25 **3.** Not later than *seven days* after receiving such notice, or undertaking, or agreement, as the case may be, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school, and on the usual places for posting notices in the town, division, or district, and shall cause such notice to be inserted twice
30 at least in one or more newspapers (if any) published within the town, division, or district, or if there are none such newspapers, then in some other newspaper or newspapers circulated therein, duly setting forth the purpose of the said poll, and the said resolutions
35 and the terms of this Act authorising the poll to be taken, and specifying on what day (but not later than fourteen days, nor sooner than seven days, after the publication of such notice), and at what place or places within such town, division, or district the voting for or against the adoption of the said resolutions shall take
40 place.

Notice of time and place for receiving votes for or against the resolutions.

4. The register of parliamentary voters for the time being of the town, division, or district, or of the polling district within which

Proof of voters qualification.

A.D. 1895. — such town, or division, or district shall be situate, shall be conclusive evidence that the persons therein named had or have, during the continuance in force of such register, the qualifications annexed to their names.

Mode of
voting.

5. At the time appointed for voting for or against the adoption 5 of the said resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at municipal elections:

Provided that the ballot papers shall be in the form set forth in the first part of the schedule to this Act, and the form of 10 directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any other form prescribed by law for municipal elections.

Resolution
adopted by
majority of
two thirds.

6. Every voter shall have one vote for or against each 15 resolution.

If a majority of two thirds of the votes recorded in respect of any resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be adopted:

Provided that—

(a.) Only one resolution shall be adopted at any one poll. 20

(b.) If the first resolution be carried it shall be adopted, whether either or both of the other two resolutions have been carried or not.

(c.) If the second resolution be carried, and the first be not carried, the second resolution shall be adopted, whether the 25 third resolution be carried or not.

(d.) If the third resolution be carried, and the first and second be not carried, the third resolution shall be adopted.

Declaration
of poll.

7. The returning officer shall, not later than the day after the poll has taken place, declare the result of the voting, and whether 30 any and which of the resolutions have been adopted or all have been rejected; and if the first resolution has been adopted, the returning officer shall fix such day as he shall think fit, but not later than the *first day of November* then next, when such resolution is to come into operation, and the returning officer shall forthwith 35 cause to be affixed and published notice of such resolution, and of the date so fixed in the same manner as herein-before provided for the notices of the poll under this Act. A copy of the notice of such resolution and of the date fixed for its coming into operation shall be conclusive proof in any proceedings under this Act that the said 40 first resolution has been duly adopted, and that the formalities required by this Act have been complied with. When any of the

resolutions has been adopted, intimation thereof shall, within *seven* A.D. 1895.

days from the day on which the result of the voting shall be declared, be sent by the returning officer to the Chief Secretary to the Lord Lieutenant of Ireland for the time being, and to the
5 licensing authority of the town, division, or district for which such resolution shall have been so adopted.

8. If the first resolution be adopted in any town, division, or district, then from and after the date when it comes into operation in such town, division, or district it shall not be lawful to sell,
10 or expose for sale, or barter, or hawk, or otherwise dispose of intoxicating liquors therein; and any person or persons selling, or bartering, or otherwise disposing of intoxicating liquors contrary to this Act, shall be guilty of an offence, and, on conviction, be subject to all the penalties prescribed by section three of the
15 Licensing Act, 1872.

First resolution.
Prohibition of sale, barter, or exchange.
Penalties for breach of this Act.

Provided that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts and manufactures, or the sale of intoxicating liquors for medicinal use:

20 Provided also, that it shall not be lawful for any person in the said town, division, or district for which such resolution has been adopted to sell any intoxicating liquors for medicinal use, except on the prescription of a legally qualified medical practitioner, and unless he is a pharmaceutical chemist, or a chemist and druggist
25 registered under the Pharmacy Act (Ireland), 1868, or any Act amending the same; and it shall not be lawful to sell any intoxicating liquors for medicinal use unless the bottle or other vessel in which such intoxicating liquor is contained be distinctly labelled with the words "intoxicating liquors," and the name and address
30 of the seller; and any person selling intoxicating liquor for medicinal use otherwise than is herein provided shall be liable to a penalty not exceeding *five pounds*, or to imprisonment with or without hard labour for a term not exceeding *one month*, for the first offence; and to a penalty not exceeding *ten pounds*, or to
35 imprisonment with or without hard labour for a term not exceeding *two months*, for the second or any subsequent offence; and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

9. If the second resolution be adopted in any town, division, or district, it shall be the duty of the licensing authority for such
40 town, division, or district, at his or their next general meeting for granting and renewing certificates, to restrict the total number of

Second resolution.
Reduction of licences.

A.D. 1895.

certificates granted or renewed by them to or within the number specified in the resolution.

Third
resolution.
Prohibition
against new
licences.

10. If the third resolution be adopted in any town, division, or district, it shall not be lawful for the licensing authority for such town, division, or district, after receiving intimation thereof, to grant 5 a certificate to any person in said town, division, or district for the sale of intoxicating liquors in any house or premises unless at the time of the adoption of such resolution a licence was current and in force for the sale of intoxicating liquors in such house or premises, and any certificate granted in contravention of this 10 section shall be null and void.

When a poll
may be again
taken.

11. In any town, division, or district (1) If the first resolution be adopted, a poll may be again demanded in manner provided by this Act, but not for *five years* after the date of such adoption, and in such case a poll shall be taken on the first resolution only. 15
(2.) If the second resolution be adopted, a poll may be again demanded on all the said resolutions, but not for *two years* after the last poll has been taken.

(3.) If the third resolution be adopted, no further polls shall be competent on that resolution, but in that case a poll may be again 20 demanded on the first and second resolutions, but not for *two years* after the last poll has been taken.

(4.) If all the resolutions be rejected a poll may be again demanded in manner provided by this Act, but not for *two years* after the last poll has been taken. 25

Expenses.

12. Where a poll has been taken, then, if any resolution under this Act be adopted, or if the first resolution be rejected, the expenses of the proceedings shall be defrayed in counties out of the grand jury cess, and in towns out of the general purposes rates or town rates of such town. 30

Prosecution
of offences.

13. When any resolution under this Act has been adopted in any town, division, or district, it shall be competent for any voter in such town, division, or district to prosecute for offences under this Act.

Title of Act.

14. This Act may for all purposes be cited as the Liquor Traffic 35 (Local Veto) (Ireland) Act, 1895, and shall apply to Ireland only.

SCHEDULE.

A.D. 1895.

PART I.

Form of Ballot Paper.

Counterfoil No.	Resolutions.	For.	Against.
5	I. Prohibition.		
NOTE.—The counterfoil is to have a number to correspond with a number on the back of the ballot paper.	II. Reduction.		
	III. No new licences.		

PART II.

15 *Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.*

The voter may vote for or against each of the three resolutions.

The voter will go into one of the compartments, and, with the pencil provided
20 in the compartment, place a cross opposite each resolution either in the column
headed "For" or in the column headed "Against," thus X

The voter will then fold up the ballot paper so as to show the official mark on the back, and, leaving the compartment, will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

30 If the voter votes more than once for any resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Intoxicating Liquors Local Veto (Ireland).

A

B I L L

To enable the Ratepayers of any locality
to veto the issue of Licences for
the sale of Intoxicating Liquors in
Ireland.

(Prepared and brought in by
*Mr. William Johnston, Mr. Jordan,
Lord Arthur Hill, Mr. Pinkerton,
Mr. T. W. Russell, Mr. Diamond, and
Mr. Wolff.*)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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[*Price 1d.*]

[Bill 30.]

Intoxicating Liquor Traffic (Local Control) Bill.

ARRANGEMENT OF CLAUSES.

Prohibition and Limitation.

Clause.

1. Poll as to prohibition or limitation of number of liquor licences.
2. Effect of resolutions for prohibition or limitation.

Poll.

3. Procedure for poll where no resolution is in force.
4. Procedure for poll after resolution has been carried.

Sunday Closing.

5. Poll on Sunday closing in localities in England.

Restricted Licences.

6. Restricted licences for hotels, eating-houses, and railway refreshment rooms.

Supplemental.

7. Supplemental provisions as to prohibitory and limiting resolutions and offences.
8. Supplemental provisions as to poll and corrupt and illegal practices.

Local Authorities, Areas, and Definitions.

9. Local authorities, areas, and definitions.

Scotland.

10. Application to Scotland.

Commencement, &c., Repeal.

11. Commencement of Act, extent, and short title.

SCHEDULE.

A
B I L L
TO

Establish Local Control over the Traffic in Intoxicating Liquor. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5. *Prohibition and Limitation.*

1.—(1.) If on a poll taken in any area herein-after mentioned—

(a) a majority of two-thirds of the votes are in favour of a prohibitory resolution as defined by this Act; or

(b) a majority of the votes are in favour of a limiting resolution

10 as defined by this **Act**.

the resolution shall be carried and shall come into force in the area at the date of the general annual licensing meeting which occurs next after the expiration of *three years* from the commencement of this Act, or the expiration of *one year* from the date of the poll, whichever

15 is latest.

(2.) Every parochial elector of the area shall be entitled to vote at such poll.

2.-(1.) While a prohibitory resolution is in force in any area, an ordinary licence as defined by this Act, shall not be granted in respect of any premises in that area.

(2.) While a limiting resolution is in force in any area, ordinary licences shall not be granted in the area to a number in excess of three-fourths of the number existing at the date of the poll, without prejudice to the discretion of the licensing justices to grant a less number of licences than the said three-fourths; and for the purpose of carrying the resolution into effect—

(a) the grant of ordinary licences at the general annual licensing meeting at which such resolution comes into force (whether in respect of premises previously licensed or not) shall be subject to the law relating to the grant of new licences ; and

[Bill 198.]

A

A.D. 1895.

- (b) the grant of any licence at that meeting, and also while the resolution is in force the grant of any new licence within the limited number, shall, if not otherwise in the absolute discretion of the justices, be in their absolute discretion.

Poll.

5

Procedure
for poll
where no
resolution is
in force.

3.—(1.) A poll for the purposes of this Act shall be taken in an area by the local authority upon a requisition or requisitions each of which must be presented by not less than one tenth of the parochial electors of the area.

(2.) Any requisition may request a poll either on a prohibitory 10
or on a limiting resolution.

(3.) A requisition so presented shall be published by the local authority by printed notices thereof posted in conspicuous places in the area, and within *one month* after the publication a number not less than one-tenth of the parochial electors of the area may 15
present to the local authority any requisition authorised by this section, but that requisition need not be published as above mentioned by the local authority.

(4.) A requisition must be signed by the electors presenting it; an elector may sign requisitions for both a prohibitory and a 20
limiting resolution; and where there are requisitions for both such resolutions, the poll on them shall be taken together.

(5.) The local authority shall, in accordance with this Act, cause the poll to be taken as soon as may be.

(6.) Where a poll is taken on both a prohibitory and a limiting 25
resolution, an elector may vote for or against each resolution, and the votes on the prohibitory resolution shall be counted first, and if that resolution is carried, the votes on the limiting resolution shall not be counted.

(7.) The validity of a requisition shall not be affected by anything 30
which occurs after it is presented.

(8.) This section shall apply in every area where no prohibitory or limiting resolution is in force; but where a poll has been taken in an area in respect of any resolution, a further poll under this section shall not be taken in that area until the expiration of *three years* 35
from the date of the former poll.

Procedure
for poll after
resolution
has been
carried.

4.—(1.) Where a prohibitory or limiting resolution is in force, a further poll shall not be taken before the expiration of *three*
years from the date of the resolution coming into force, but after

such expiration a requisition for a poll may be presented and a poll may be taken— A.D. 1895.

(a) if a prohibitory resolution is in force, then on a resolution for repealing the same; and

- 5 (b) if a limiting resolution is in force, then on a prohibitory resolution, or on a resolution for further limitation, or on a resolution for repealing the existing resolution;

and the provisions of the preceding section as to requisitions, and the taking of the poll, and, where a limiting resolution is in force, as to the presentation of any subsequent requisitions, shall apply for the purposes of this section, and any subsequent requisitions must be a requisition authorised by this section.

(2.) Where a majority of the votes are in favour of repealing a resolution, it shall be repealed accordingly.

- 15 (3.) Where a poll is taken on a prohibitory resolution, on a resolution for further limitation, and on a resolution for repealing a limiting resolution, or on any two of those resolutions, an elector may vote for or against each resolution; and the votes on the prohibitory resolution (if any) shall be counted first, and if it is carried, the votes on the other resolutions shall not be counted; and the votes on the
20 the resolution for further limitation shall, if counted, be counted before the votes on the repealing resolution, and if the resolution for further limitation is carried, the votes on the repealing resolution shall not be counted.

- 25 (4.) A resolution for further limitation shall be a limiting resolution within the meaning of the provisions of this Act.

Sunday Closing.

- 5.—(1.) If, on a poll taken in any area herein-after mentioned, a majority of the votes are in favour of a resolution for Sunday closing, the resolution shall be carried, and while it is in force the provisions of the Licensing Acts 1872 to 1874 relating to the closing, during certain hours on Sunday, of premises in which intoxicating liquors are sold by retail, shall apply in the case of premises in the area, as if the whole of Sunday was mentioned in those
35 provisions instead of certain hours only.

(2.) The foregoing provisions of this Act with respect to the requisition for, and the taking of a poll on, a prohibitory resolution, and the repealing of any prohibitory resolution when carried, and with respect to the time within which a further poll cannot be taken, shall apply with the necessary modifications; but there shall
40 be no alternative requisition.

Poll on Sunday closing in localities in England.

A.D. 1895.

(3.) The poll on a resolution for Sunday closing or on the repeal of such a resolution may be taken together with the poll on any other resolution under this Act, and at such poll an elector may give a vote, for or against Sunday closing or the repeal of a resolution for Sunday closing, as well as for or against any such other 5 resolution.

(4.) A resolution or the repeal of a resolution for Sunday closing when carried in any area shall come into force on the date of the expiration of the then current licences.

(5.) This section shall not extend to Scotland or Wales. 10

Restricted Licences.

Restricted
licences for
hotels, eating-
houses, and
railway
refreshment
rooms.

6.—(1.) Where a prohibitory or limiting resolution is in force, and it is shown to the satisfaction of the licensing justices that any premises, whether previously licensed or not, are constructed, fitted, and intended to be used in good faith, exclusively for the 15 purpose of an hotel eating-house and railway refreshment room as herein defined, or of any of them, and not to be so constructed and fitted as to be suitable for the retail sale of intoxicating liquor otherwise than for such purpose, the licensing justices may, in their discretion, grant in respect of such premises a licence 20 expressed to be restricted as a licence for an hotel, eating-house, and railway refreshment room, or any of them, and such licence is in this Act referred to as a restricted licence.

(2.) In this section—

(a) the expression hotel includes an inn, and the purpose of an 25 hotel or inn is the accommodation of travellers and of persons lodging therein ;

(b) the purpose of an eating-house is the supply of meals to persons on the premises ; and

(c) the purpose of a railway refreshment room is the supply 30 of refreshments at a railway station to persons who arrive or depart by the railway, and are not travelling for the purpose of obtaining intoxicating liquor.

(3.) There shall be attached to a restricted licence such conditions as the licensing justices think necessary or proper for preventing the 35 use of the premises for the retail sale of intoxicating liquor otherwise than as specified in the licence ; and if any person commits or permits any breach of those conditions he shall be liable on summary conviction to a fine not exceeding *fifty pounds*, and if he is the licensed person, to the forfeiture of his licence. 40

(4.) Before granting a restricted licence by way of renewal or transfer the licensing justices shall inquire whether all the conditions attached to the old restricted licence have been properly fulfilled, and in particular whether the premises thereby licensed have been used for the retail sale of intoxicating liquor otherwise than as specified in the licence, and unless satisfied that such conditions have been so fulfilled, and that the premises have not been so used, shall refuse the licence.

(5.) The provisions of this Act with respect to the effect of a prohibitory or limiting resolution shall not apply to restricted licences;

(6.) Provided that where a limiting resolution is in force, any ordinary licence may be granted in respect of any premises or any part thereof concurrently with the restricted licence, and may be granted on such conditions touching the construction and fitting of the premises, as the licensing justices think fit, and the provisions of this Act with respect to ordinary licences shall apply accordingly to such ordinary licence; and any such ordinary licence shall, for the purpose of a limiting resolution, be reckoned among the total number of ordinary licences.

(7.) If upon the conviction of the licensed person the court orders the ordinary licence to be forfeited or the conviction to be recorded on the licence, the order shall, unless the court otherwise direct, extend also to the restricted licence; but, save as aforesaid, the expiration of the ordinary licence, whether by virtue of a resolution under this Act or otherwise, shall not prevent the grant by way of renewal of the restricted licence if the justices in their discretion think fit.

Supplemental.

7.—(1.) Intoxicating liquor shall not be sold by retail in an area by any person who is—

- (a) a wholesale spirit dealer; or
- (b) a wine merchant holding a wine dealer's excise licence; or
- (c) authorised under any privilege to sell wine; or
- (d) the proprietor of a theatre;

while a prohibitory resolution is in force in that area, nor, unless such person has obtained an ordinary licence for the sale, while a limiting resolution is in force in that area, and in the latter case any such ordinary licence may be granted in the like manner as any other licence for the sale of the like liquor, but while such limiting resolution is in force, the number of licences so to be

Supplemental provisions as to prohibitory and limiting resolutions and offences.

A.D. 1895. granted shall not exceed three-fourths of the number of the persons entitled as above-mentioned at the date of the poll to sell intoxicating liquor by retail in the area ;

Provided that nothing in this enactment shall prevent a sale of liquor in pursuance of any restricted licence.

35 & 36 Vict.
c. 94.

(2.) Section three of the Licensing Act, 1872, shall apply to any person selling or exposing for sale by retail any intoxicating liquor in contravention of the foregoing enactment in like manner as it applies to a person not duly licensed to sell the same.

(3.) While a prohibitory resolution is in force in any area any occasional licence granted for any place in that area shall be restricted in like manner and have attached thereto the like conditions as a restricted licence, and any breach of such conditions shall involve the like penalty.

44 & 45 Vict.
c. 58. s. 174.

(4.) Where a canteen is held under the authority of a Secretary of State or the Admiralty, and no intoxicating liquor is sold in such canteen to any one but officers and men of Her Majesty's naval or military forces and their families, this Act shall not apply thereto, but if the person holding the canteen sells or permits the sale of any intoxicating liquor otherwise than as aforesaid, he shall be liable to the same penalty as if he had sold the same without a licence.

37 & 38 Vict.
c. 49.

(5.) An offence under this Act shall, for the purpose of the record of conviction, be deemed to be an offence against the Licensing Act, 1874.

Supplemental provisions as to poll and corrupt and illegal practices.
35 & 36 Vict. c. 33.
47 & 48 Vict. c. 70.
45 & 46 Vict. c. 50.
See also 56 & 57 Vict. c. 73. ss. 48 (3).

8.—(1.) A poll under this Act shall be taken in each area in accordance with the schedule to and the other provisions of this Act, and subject thereto, in accordance with rules made by the Local Government Board, and shall be taken by ballot ; and the Ballot Act, 1872, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and Part Four of the Municipal Corporations Act, 1882, as amended by the last-mentioned Act (including the penal provisions of those Acts), shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of an election of a member of the local authority in the area, and as if the promotion of the carrying or rejection of a resolution were the promotion of the election of a candidate : Provided that,—

(a) the rules shall fix, or enable the county council to fix, the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening ; and

(b) the ballot paper shall be in the form in the Schedule to this A.D. 1895.
Act.

(2.) Where a poll on a resolution is by a judgment of an election court declared void, the local authority, unless the election court or
5 High Court on application by or on behalf of the requisitionists for the resolution otherwise direct, shall, within seven days after such judgment, appoint a returning officer, and cause a new poll to be taken.

(3.) If any returning officer, presiding officer, clerk, or officer
10 of the local authority is guilty of any misfeasance or any wilful act or omission in contravention of this Act, he shall on summary conviction be liable to a fine not exceeding *fifty pounds*.

(4.) The necessary expenses of the local authority incurred in pursuance of this Act shall be defrayed as ordinary expenses of the
15 authority, but in the case of a parish council shall not be reckoned among the expenses of that council in determining any limit of their rate.

Local Authorities, Areas, and Definitions.

9.—(1.) The local authority for the purposes of this Act shall—

Local
authorities,
Areas,
and defini-
tions.

20 (a) in a county or other municipal borough be the council of the borough, and in any other urban district, be the district council; and

(b) in a parish in a rural district, be the parish council, or in
25 the case of parish not having a parish council, be the district council; and

(c) in London, be the sanitary authority within the meaning of the Public Health (London) Act, 1891.

54 & 55 Vict.
c. 76.

(2.) The areas for the purposes of this Act shall be—

30 (a) in the case of a county or other municipal borough or urban district not divided into wards, that borough or district;

(b) in the case of a county or other municipal borough or urban district divided into wards, a ward of that borough or district;

35 (c) in any rural district a parish; or where such parish has been divided into wards for the purpose of the election of a parish council a ward of that parish;

A.D. 1895.

(d) in London a sanitary district within the meaning of the Public Health (London) Act, 1891, or if such district, being outside the city of London, is divided into wards, or comprises several parishes, then any such ward or parish, or where such last-mentioned parish is divided into wards, then any such ward;

Provided that the council of any borough or urban district as respects a ward of their borough or district, and the council of any county as respects an area in their county which is a rural parish without a parish council or is a ward of a parish, may group it with any other parish or ward so as to form one area for the purpose of this Act, and the London County Council may group any ward or parish in their county with any other ward or parish in the same sanitary district, so as to form one area for the purposes of this Act.

(3.) Where any area is in more than one licensing district, it shall for the purpose of carrying into effect a limiting resolution, be deemed to be in the district in which the largest amount of the population according to the last published census is situate.

(4.) In this Act unless the context otherwise requires—

The expression “prohibitory resolution” means a resolution that the grant of all ordinary licences in an area be prohibited.

The expression “limiting resolution” means a resolution that the number of ordinary licences in an area be reduced.

The expression “ordinary licence” means a licence within the meaning of the Licensing Act, 1872, not being a restricted licence in this Act mentioned.

The expression “grant” when used in relation to a licence includes the grant of a licence by way of renewal or transfer.

The expressions “urban district” and “rural district” mean an urban district or rural district within the meaning of the Local Government Act, 1894.

The expression “parochial elector” means a parochial elector within the meaning of the Local Government Act, 1894, and when used in relation to any area means a parochial elector registered as an elector in that area.

Other expressions have the same meaning as in the Licensing Acts, 1872 and 1874, and a licence to an inn or victualling house under the Intoxicating Liquors (Licensing) Act, 1828, shall be deemed to include the restricted licence mentioned in this Act for an hotel eating-house and railway refreshment room, or any of them.

Scotland.

A.D. 1895.

10. In the application of this Act to Scotland the following modifications shall be made:

Application
to Scotland.

(1.) The provisions of this Act with respect to a wine merchant
5 holding a wine dealer's excise licence shall apply to a person
holding an excise licence to retail sweets.

(2.) The parish electors shall be substituted for the parochial
electors.

(3.) The local authority for the purposes of this Act shall be—

10 (a) for a burgh or police burgh, the police commissioners;
(b) for a parish, whether wholly landward, or partly landward
and partly burghal, the parish council of that parish.

(4.) The areas for the purposes of this Act shall be—

15 (a) in the case of a burgh or police burgh not divided into
wards, that burgh;

(b) in the case of a burgh or police burgh divided into
wards, a ward of that burgh;

20 (c) in the case of a county a parish, whether wholly within
one county or not, or where such parish has been divided
into wards for the purpose of the election of a parish
council, a ward of that parish.

(5.) For the Local Government Board shall be substituted the
Local Government Board for Scotland.

(6.) For "the High Court" shall be substituted "the Court of
25 Session."

(7.) The Licensing (Scotland) Acts, 1828 to 1887, shall be
substituted for the Licensing Acts, 1872 to 1874, and in particular—

9 Geo. 4.
c. 58.
50 & 51 Vict.
c. 38.
25 & 26 Vict.
c. 39.

(a) a reference to section seventeen of the Public Houses Acts
Amendment (Scotland) Act, 1862, shall be substituted for a
30 reference to section three of the Licensing Act, 1872; and

(b) the Licensing (Scotland) Act, 1828, shall be substituted for
the Intoxicating Liquors (Licensing) Act, 1828, and as respects
the record of convictions, for the Licensing Act, 1874.

(8.) "The licensing authority" shall be substituted for "the
35 licensing justices," and shall mean the justices of the peace or the
magistrates, as the case may be, assembled at any general meeting
for the granting and renewal of certificates for the sale of excise-
able liquors.

(9.) The expression "the general half-yearly meeting for grant-
40 ing and renewing certificates for the sale of exciseable liquors"
shall be substituted for "the general annual licensing meeting."

A.D. 1895.

(10.) The expression "licence" shall mean any certificate for the sale of exciseable liquors granted under the Licensing (Scotland) Acts, 1828 to 1887, and "exciseable liquors" means any liquor which cannot be legally sold without an excise licence.

53 & 54 Vict.
c. 55.

(11.) The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, shall be substituted for the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and Part IV. of the Municipal Corporations Act, 1882.

52 & 53 Vict.
c. 50.

(12.) The expressions "county," "burgh," and "police burgh" as used in this section shall have the same meaning as in the Local Government (Scotland) Act, 1889, save that the expression "county" shall not include a police burgh.

Commencement, &c., Repeal.

Commence-
ment of Act,
extent, and
short title.

11.—(1.) This Act shall come into operation on the *first day of January next after the passing thereof.*

15

(2.) This Act shall not extend to Ireland.

(3.) This Act may be cited as the Intoxicating Liquor Traffic Act, 1895.

SCHEDULE.

A.D 1895.

PROVISIONS AS TO TAKING OF POLL.

1. The local authority to whom a requisition is presented in pursuance of this Act shall, before the expiration of one month after the publication of the
5 notice of the requisition, appoint a person to act as returning officer, and shall fix a day for the poll not later than *fourteen* days after the expiration of the said month, and not sooner than such day as will allow time for the returning officer to publish the required notices.
2. Where before the expiration of the said month a requisition has been
10 presented to the local authority for every resolution for which at that time a requisition can be presented, the local authority may cause a poll to be taken as soon as may be, but otherwise the poll shall be not sooner than *four* days after the expiration of the said month.
3. The returning officer, not less than *three* days before the day of the
15 poll, shall publish notice of the requisitions and the poll by causing a printed notice of the requisitions and of the time and place of the poll to be posted in conspicuous places in the area for which the poll is to be taken.
4. In reckoning days for the purposes of this Schedule, Sundays and bank holidays shall not be included.
- 20 5. The returning officer shall make arrangements for the poll in accordance with this Act and the rules of the Local Government Board thereunder, substituting for the form of ballot paper used at elections the form in this schedule.
6. The returning officer shall as soon as possible declare the result of the
25 poll.
7. If a resolution is carried, the returning officer shall give written notice to the licensing justices, to the Commissioners of Inland Revenue and to a Secretary of State.
8. Where a new poll is ordered after the avoidance of a poll upon a
30 petition, the day fixed for the poll shall, save as the election court or High Court otherwise direct, be not less than *seven* and not later than *fourteen* days after the last day on which the returning officer can be appointed.

A.D. 1895.

FORM OF BALLOT PAPER.

I.—Form of Front of Ballot Paper where no Resolution is already in force.

Counterfoil No.	1	Are you in favour of Total PROHIBITION of ordinary Licences?	YES.	5
			NO.	
Counterfoil No.	2	If there is not Total Prohibition, are you in favour of a LIMITATION of the Number of ordinary Licences?	YES.	10
			NO.	

II.—Form of Front of Ballot Paper where a Prohibitory Resolution is in force.

Counterfoil No.		Are you in favour of REPEALING the Resolution prohibiting ordinary Licences?	YES.	15
			NO.	

III.—Form of Front of Ballot Paper where a Limiting Resolution is in force.

Counterfoil No.	1	Are you in favour of Total PROHIBITION of ordinary Licences.	YES.	20
			NO.	
Counterfoil No.	2	If there is not Total Prohibition, are you in favour of a FURTHER LIMITATION of the Number of ordinary Licences?	YES.	25
			NO.	
Counterfoil No.	3	Are you in favour of REPEALING the Resolution limiting the Number of ordinary Licences?	YES.	30
			NO.	

IV.—Form of Front of Ballot Paper in the case of Sunday Closing. A.D. 1895.

Counterfoil No.



Are you in favour of Total	YES.
SUNDAY CLOSING?	NO.

V.—Form of Front of Ballot Paper where a resolution for Sunday Closing is in force.

Counterfoil No.



Are you in favour of	YES.
REPEALING	
the Resolution for Total Sunday Closing?	NO.

10 [Form of back of ballot paper.]

No. .

Poll as to liquor traffic for borough [or ward, or parish] 18 .

INSTRUCTIONS AS TO BALLOT PAPER.

15 *Note.*—(i.) The number on the ballot paper is to correspond with that in the counterfoil.

(ii.) Nothing is to be printed on the ballot paper except in accordance with this schedule.

(iii.) The same ballot paper shall except in the case of Sunday closing be used for all the resolutions at the same poll.

20 (iv.) If the poll, in the case of Sunday closing, is taken at the same time as the poll on any other resolution, the ballot papers for the Sunday closing and for the other resolution shall be of different colours.

(v.) There shall be a number on the counterfoil of each ballot paper corresponding with the number on the back of the ballot paper.

25 (vi.) There shall be omitted from the ballot paper any of the questions above-mentioned upon which a poll is not to be taken, and the number of each question shall be omitted or altered accordingly.

30 (vii.) In the case of a limiting resolution or a resolution for further limitation, the maximum number of ordinary licences which will be lawful in the event of the resolution being carried, may be stated either in a note on the ballot paper or as an addition to the directions for the guidance of the voter in voting.

A.D. 1895.

(viii.) If a poll on a prohibitory resolution is not taken at the same time as on a limiting resolution or a resolution for further limitation, omit from the ballot paper with respect to limitation or further limitation or repealing a limiting resolution the words "If there is not total prohibition."

(ix.) The order on the ballot paper of the questions retained in it must always be that above-mentioned. 5

(x.) If a requisition for a resolution for further limitation is presented, and there is no requisition to repeal the former limiting resolution, the question on the ballot paper will be the resolution for further limitation only, without a question as to repealing the former limiting resolution. 10

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING, WHICH SHOULD BE PRINTED IN CONSPICUOUS CHARACTERS, AND PLACARDED OUTSIDE EVERY POLLING STATION, AND IN EVERY COMPARTMENT OF EVERY POLLING STATION.

(a.) The voter may vote either "Yes" or "No" for each resolution. 15

(b.) The voter will go into one of the compartments, and with the pencil provided in the compartment place a cross on the right hand side opposite "Yes" or opposite "No" in the case of each resolution on which he votes.

(c.) The voter will then fold up the ballot paper, so as to show the official mark on the back, and on leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box and forthwith quit the polling station. 20

(d.) If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper. 25

(e.) If the voter puts a mark against both "Yes" and "No" to any resolution, his vote will not be counted as respects that resolution.

(f.) If the voter places any mark on the paper by which he may be identified, his ballot paper will be void and will not be counted. 30

(g.) If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanour, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions should be illustrated by examples of the ballot paper; but any such examples shall be in alternative forms, so as not to suggest only a vote for or a vote against a resolution. 35

Intoxicating Liquor Traffic (Local Control).

A

B I L L

To establish Local Control over the
Traffic in Intoxicating Liquor.

(Prepared and brought in by
Mr. Chancellor of the Exchequer,
Mr. Secretary Asquith, Sir George Trevelyan,
Sir John Hibbert, and Mr. Burt.)

Ordered, by The House of Commons, to be Printed,
8 April 1895.

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[Price 2½d.]

[Bill 198.]

A
B I L L

TO

Amend the Constitution of the Irish Lights Board.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. It shall be lawful for the corporations of the cities in the
 schedule hereto annexed to elect and appoint persons to be Com-
 missioners of Irish Lights to the number in the said schedule
 mentioned. The first election shall take place in the month of
January one thousand eight hundred and ninety-six, and the persons
 10 elected shall hold office for *three years* from the date of their election,
 and in case of the death or resignation of any person so elected, the
 corporation by which he was elected shall, within *two months*,
 elect and appoint another person in his place to hold office for the
 residue of the term for which the person originally chosen was
 15 elected.
2. The Board of Trade may from time to time nominate and
 appoint eight commissioners to act with the persons elected as
 aforesaid, and such commissioners so nominated shall hold office for
five years from the *first day of January one thousand eight hundred*
 20 *and ninety-six*, and on death or resignation successors may be
 nominated by the Board of Trade to hold office for the residue of
 the term.
3. On the *thirty-first day of December one thousand eight*
hundred and ninety-five the present Commissioners of Irish Lights
 25 shall cease to hold office, and their powers shall be deemed to have
 absolutely determined.
4. This Act may be cited as the Irish Lights Board Act, 1895,
 and shall apply to Ireland only.
- [Bill 36.]

Commis-
sioners to be
chosen by
maritime
cities.

Board of
Trade may
nominate
eight com-
missioners.

Powers of
existing
Commis-
sioners to
cease.

Short title
and appli-
cation.

A.D. 1895.

SCHEDULE.

Dublin Corporation	-	-	-	-	Two commissioners.	
Belfast Corporation	-	-	-	-	Two "	
Cork Corporation	-	-	-	-	One commissioner.	
Limerick Corporation	-	-	-	-	One "	5
Waterford Corporation	-	-	-	-	One "	
Sligo Corporation	-	-	-	-	One "	
Londonderry Corporation	-	-	-	-	One "	
Wexford Corporation	-	-	-	-	One "	
Drogheda Corporation	-	-	-	-	One "	10

Irish Lights Board.

A

B I L L

To amend the Constitution of the Irish
Lights Board.

(Prepared and brought in by
*Mr. James O'Connor, Captain Donelan, Mr. Wolff,
Mr. Edward Barry, and Mr. French.*)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 36.]

A

B I L L

TO

Amend the Law respecting the Customs Duties in the

Isle of Man.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

1. There shall be levied and paid on the following goods, imported or brought into the Isle of Man, the several duties of customs herein-after enumerated:—

Duty on beer, spirits, and wine.

Ale or beer, according to the specific gravity of the worts thereof before fermentation, as set forth in the following table: —

10

TABLE.

If the Degrees of Specific Gravity are				Duty on the Barrel of 36 Gallons.	
				s.	d.
15	Less than 1040			2	6
	1040 or more, but less than 1045			3	0
	1045	"	1050	3	6
	1050	"	1055	4	0
	1055	"	1060	4	6
20	1060	"	1065	5	0
	1065	"	1070	5	6
	1070	"	1075	6	0
	1075	"	1080	6	6
	1080	"	1085	7	0
25	1085	"	1090	7	6
	1090	"	1095	8	0
	1095	"	1100	8	6
	1100	"	1105	9	0
	1105	"	1110	9	6
30	1110	"	1115	10	0
	1115	"	1120	10	6
	1120	"	1125	11	0
	1125	"	-	11	6

A.D. 1895.

	s.	d.	
Chicory and coffee, or any other matter applicable to the use of chicory or coffee - - - per lb.	0	1	
Spirits, namely :—			
Brandy, Geneva, and other foreign spirits			5
the gallon	9	0	
Rum, including shrub, of the British possessions			
the gallon	9	0	
British or Irish spirits not otherwise exempted from payment of duty - - - the gallon	9	0	10
Liqueurs, or cordials, and mixed, or sweetened spirits			
the gallon	9	0	
All such spirits shall be computed at hydrometer proof ; provided that where a person importing liqueurs, cordials, or mixed or sweetened spirits in bottle, has entered the same in such a manner as to indicate that the strength is not to be tested, duty shall be levied and paid at the rate per gallon of - - - - -	10	0	15
Perfumed spirits - - - the gallon	10	0	
Tea - - - the lb.	0	4	20
Tobacco, unmanufactured, containing in every 100lbs. weight thereof—			
10 lbs. or more of moisture - - - - -	3	2	
Less than 10 lbs. of moisture - - - - -	3	6	
Tobacco, manufactured—			25
Segars - - - - -	5	0	
Cavendish or negrohead - - - - -	4	6	
Snuff, containing in every 100 weight thereof			
More than 13 lbs. of moisture - - - - -	3	9	
Not more than 13 lbs. of moisture - - - - -	4	6	30
Other manufactured tobacco and Cavendish or Negro- head manufactured in bond - - - - -			
	4	0	
Wine, namely :—			
Wine not exceeding 30 degrees of proof spirit			
the gallon	1	0	35
Wine, exceeding 30 but not exceeding 42 degrees of proof spirit - - - the gallon	2	6	

And for every degree or part of a degree beyond
the highest above charged an additional duty

		the gallon	0	3
5	Sparkling wine imported in bottle (additional)	the gallon	2	0

2. In this Act—

The expression “degree” does not include fractions of the next
higher degree;

Definitions.

10 The expression “wine” includes lees of wine.

3. The Acts specified in the schedule to this Act are hereby Repeal.
repealed to the extent mentioned in the third column of that
schedule.

4. This Act may be cited as the Isle of Man (Customs) Act, Short title.
15 1895.

A.D. 1895.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
37 & 38 Vict. c. 46 -	The Customs (Isle of Man) Tariff Act, 1874.	Section one.	5
50 Vict. sess. 2. c. 5.	The Isle of Man (Customs) Act, 1887	Section three.	
51 Vict. c. 7. -	The Isle of Man (Customs) Act, 1888	The whole Act.	
55 & 56 Vict. c. 28. -	The Isle of Man (Customs) Act, 1892	The whole Act.	

Isle of Man (Customs).

A

BILL

To amend the Law respecting the Customs Duties in the Isle of Man.

(Prepared and brought in by
Mr. Hanbury and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
2 July 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1/2d.]

[Bill 332.]

A

B I L L

TO

Enable the Registrar of Joint Stock Companies to remove names of Companies from the Register in certain cases. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as the Companies (Register) Act, 1895. Short title.

This Act and the Companies Acts, 1862 to 1890, may be cited together as the Companies Acts, 1862 to 1895.

10 2. Where, in the course of winding-up any company, the Registrar of Joint Stock Companies shall be satisfied by affidavit of the liquidator or otherwise either—

(a.) That the assets of such company have all been collected, realised, and distributed, and that accounts showing such realisation and distribution have been duly passed; or

15 (b.) That there is no reasonable prospect of collecting, realising, and distributing any assets, or any further assets of such company,

he shall, on the application of the liquidator, give him a certificate under his hand to that effect; and, thenceforward, the liquidator shall be exempt from any obligation to make, in respect of such company, any statement or return to the Registrar or to the Board of Trade under the Companies Acts, 1862 to 1890, or under any rules or orders made under the authority of those Acts. Provided that if it shall be proved to the satisfaction of the Registrar that such certificate was obtained by fraud, misrepresentation, or suppression of material facts, he may, by writing under his hand, revoke such certificate, and thereupon the same shall become void and of no effect.

[Bill 96.]

Exemption of liquidator from making returns in case of companies with no remaining assets.

A.D. 1895.

Power to
strike com-
panies off
register in
certain cases.

3.—(1.) In either of the following cases (namely) :—

(a.) Where the Registrar has given a certificate under this Act, and that certificate has not been revoked ; or

(b.) Where the Registrar has reasonable cause to believe that the liquidator of a company has ceased to act in the winding- 5
up of such company, and that the winding-up of the company
may be closed and the company be dissolved without pre-
judicially affecting the interests of creditors or contributories,

he shall publish in the Gazette and send by post to the liquidator at his last known address a notice to the effect that at the 10
expiration of *three months* from the date of the notice, the name of
the company will, unless cause be shown to the contrary, be struck
off the register, and the company will be dissolved.

(2.) At the expiration of the time mentioned in the notice, the Registrar may, unless cause to the contrary is previously shown by 15
such company or by the liquidator or by some creditor or share-
holder of the company, strike the name of such company off the
register, and shall publish notice thereof in the Gazette, and on
such publication the company shall be dissolved. Provided that
the liability (if any) of every promoter, director, manager, 20
liquidator or other officer of the company shall continue and may
be enforced as if the company had not been dissolved.

(3.) In the execution of his duties under this section the Registrar shall conform to any regulations from time to time made by the Board of Trade. 25

(4.) In this section the Gazette means, as respects companies whose registered office is in England, the London Gazette ; as respects companies whose registered office is in Scotland, the Edinburgh Gazette ; and as respects companies whose registered office is in Ireland, the Dublin Gazette. 30

Restoration
to register of
name of
company in
certain
events.

4. If it should be discovered, after the name of a company has been struck off the register under this or any other Act, that there are assets of the company which have not been realised and distributed, the High Court (or in the case of a company whose registered office is in Scotland, the Court of Session) may, on the 35
application of a creditor or shareholder of the company or of the Registrar, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if the name thereof had never been struck off, and the Court may by the order give such directions 40
and make such provisions as seem just for placing the company

and all other persons in the same position as nearly as may be as A.D. 1895.
if the name of the company had never been struck off the —
register.

5. Nothing in this Act shall relieve any liquidator from liability Saving.
5 for any wilful breach of any duty imposed on him as such by any
of the Companies Acts.

Joint Stock Companies Register.

A

B I L L

To enable the Registrar of Joint Stock Companies to remove names of Companies from the Register in certain cases.

(*Prepared and brought in by*
Mr. Clough, Mr. Broad, and Mr. Kimber.)

Ordered, by The House of Commons, to be Printed,
12 February 1895.

PRINTED BY EYRE AND SPOTTISWOOD,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & CO., 13, Hanover Street, Edinburgh, and
30, West Nile Street, Glasgow; or
HODGES, FROGGS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 96.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Judicial Committee of Her Majesty's Privy Council. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.**—(1.) If any person being or having been Chief Justice or a Judge of the Supreme Court of the Dominion of Canada, or of a Superior Court in any province of Canada, of any of the Australasian colonies mentioned in the schedule to this Act, or of either of the South African colonies mentioned in the said schedule, or of any other Superior Court in Her Majesty's Dominions named in that behalf by Her Majesty in Council, is a member of Her Majesty's Privy Council, he shall be a member of the Judicial Committee of the Privy Council.

Provision as to persons being or having been Colonial Chief Justices or Judges.

15 (2.) The number of persons being members of the Judicial Committee by reason of this Act shall not exceed five at any one time.

 (3.) The provisions of this Act shall be in addition to, and shall not affect, any other enactment for the appointment of or relating to members of the Judicial Committee.

20 **2.** This Act may be cited as the Judicial Committee Amendment Act, 1895. Short title.

A.D. 1895.SCHEDULE.*Australasian Colonies.*

New South Wales.	
New Zealand.	
Queensland.	5
South Australia.	
Tasmania.	
Victoria.	
Western Australia.	

South African Colonies.

Cape of Good Hope.	10
Natal.	

Judicial Committee Amendment. [H.L.]

A

B I L L

INTITLED

An Act to amend the Law relating
to the Judicial Committee of Her
Majesty's Privy Council.

(*Brought from the Lords 1 July 1895.*)

*Ordered, by The House of Commons, to be Printed,
3 July 1895.*

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39, West Nile Street, Glasgow; or
HODGINS, FRISWILL & Co., Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 337.]

A

B I L L

TO

Amend the Law relating to Jurors in Ireland so far as A.D. 1895.
relates to the County of Cork.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Jurors, Ireland (County Cork) Short title.
Act, 1895.

2. Notwithstanding anything contained in the Juries Act (Ireland), 1871, and the Acts amending the same (but subject in all other respects to the provisions of the said Acts), the Common Law
10 Procedure Amendment Act (Ireland), 1864, as to county of Cork juries, so far as the same relates to the division of jurors (other than special jurors) at assizes into two sets, and to the attendance and service of jurors when so divided, including the eighth section of the said last-mentioned Act, shall still be deemed to regulate the
15 summoning and attendance of jurors in the said county. The direction of the judge or commissioners of assize to divide the jurors into two sets shall be contained in the precept to such sheriff for the return of jurors for the assizes, and the sheriff in preparing the panel for any assizes pursuant to any precept so directing shall
20 prepare one panel in accordance with the provisions of the Juries (Ireland) Act, 1871, and the Acts amending the same, and shall divide such panel into two equal parts, each to contain one of the said two sets of jurors.

Common jury panel in county of Cork may be divided pursuant to the 27 & 28 Vict. c. 28.

Jurors, Ireland (County Cork).

A

B I L L

To amend the Law relating to Jurors
in Ireland so far as relates to the
County of Cork.

(*Prepared and brought in by*
Mr. Maurice Healy, Mr. Ross,
Mr. Edward Barry, and Mr. T. M. Healy.)

Ordered, by The House of Commons, to be Printed,
18 February 1895.

PRINTED BY EYKE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & CO., 12 Hanover Street, Edinburgh, and
80, West Nile Street, Glasgow; or
HODGES, Figgels, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 121.]

A
B I L L

FOR

The payment of Jurors.

A.D. 1895

WHEREAS it is expedient that jurors attending assizes and quarter sessions in England and Wales should receive remuneration for their services and payment of their expenses:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Common Juries Remuneration Act, 1895, and shall come into operation on the *first day of January* one thousand eight hundred and ninety-six. Short title.

2. This Act shall not apply to Scotland or Ireland.

3. Every man summoned as a common jurymen for the trial of criminals or civil actions at the assizes or quarter sessions for any county, riding, division, or borough in England and Wales shall receive remuneration at the rate of *seven shillings* for every day of his attendance. Limits of Act.
Remuneration of common jurors.

4. Every such juror shall also receive the sum of *five shillings* for every night which he is obliged to spend away from home, and shall also receive for travelling to and from the assizes or quarter sessions the amount of his second class railway fare, and *threepence* per mile each way for that part of his journey where there is no railway. Payment of expenses.

5. The order for the payment of these allowances shall be made by the proper officer of the court, and the money shall be paid by the treasurer for the county, riding, division, or borough in which the court shall be held, and who is hereby authorised and required forthwith to pay the same to the person named therein; *one moiety of such payments shall be reimbursed by the Commissioners of Her Majesty's Treasury.* How payment to be made.

[Bill 98.]

A.D. 1895.

When order
of payment
to be made.

6. The officer of the court shall make the order for payment, and give the same to each juror who has attended the assizes or quarter sessions on the last day on which he is required to serve on the jury.

Officer to
decide on
amount to
be paid.

7. Subject to the provisions of this Act the officer of the court 5 shall decide how much each juror is entitled to receive for remuneration and expenses.

Interpreta-
tion clause.

8. The officer of the court shall mean the clerk of assize at the assizes and the clerk of the peace at quarter sessions.

Repeal of
inconsistent
parts of pre-
ceding
Acts.

9. This Act shall be construed as one with the Juries Act, 1825, 10 and any Act amending the same, and such parts of the said Acts or of any other Act or Acts as are inconsistent with this Act are hereby repealed.

Jurors' Payment.

A

B I L L

For the payment of Jurors.

(Prepared and brought in by
Mr. Lloyd Morgan, Mr. Arthur Williams, and
Mr. Abel Thomas.)

*Ordered, by The House of Commons, to be Printed,
12 February 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
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And to be purchased, either directly or through any Bookseller, from
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90, West Nile Street, Glasgow; or
HODGKIN, FISHER, & Co., Limited, 104, Grafton Street, Dublin.

[Price 4d.]

[Bill 98.]

A

B I L L

TO

Amend the Law in regard to the Appointment, Quali- A.D. 1895.
fication, and Removal of Justices of the Peace.

WHEREAS it is expedient that justices of the peace who have without due cause neglected for the period of one year to attend any quarter, general, petty, or special sessions for the county, city, or borough for which they are respectively appointed, should
5 be removed from the commission of the peace for such county, city, or borough :

And whereas the present system of recommendation for the appointment of justices of the peace is unsatisfactory :

And whereas it is expedient that county councils established
10 under the Local Government (England and Wales) Act, 1888, and town councils in municipal boroughs and cities having a separate commission of the peace should be empowered to nominate persons for the appointment of justices of the peace :

Be it therefore enacted by the Queen's most Excellent Majesty,
15 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Justices of the Peace Act, 1895. Short title.

20 2. Any justice of the peace for a county, city, or borough, who after the *thirty-first day of December one thousand eight hundred and ninety-five* shall during *one whole year* fail to attend without due cause at some general, quarter, petty, or special sessions of justices of the peace within the county, city, or borough, for which
25 he is appointed a justice, shall thereupon be disqualified from acting as a justice of the peace for such county, city, or borough respectively.

Justices
disqualified
for non-
attendance.

[Bill 32.]

A

A.D. 1895.

Records of
attendance
to be kept.

3. The clerk of the peace in a county and the clerk of the peace in a city or borough having a separate court of quarter sessions respectively shall keep a record of all justices of the peace who attend at quarter or general sessions, and the clerk to the justices of every petty sessional division within a county and the clerk to the justices of every city or borough respectively shall keep a record of all justices of the peace of or for such county, city, or borough acting or residing within the petty sessional division of the county or within the city or borough respectively for which such clerk acts. On the *first day of January one thousand eight hundred and ninety-six*, and on each succeeding *first day of January*, such clerk shall send to the clerk of the peace a return of all such justices who have not attended any petty or special sessions for the preceding *twelve months* within such city or borough or petty sessional division, and on the *fifteenth day of January one thousand eight hundred and ninety-six*, and on each succeeding *fifteenth day of January*, such clerk of the peace shall send notice to each justice who has not attended quarter, general, petty, or special sessions for the previous year within such city, borough, or county, that his name is about to be returned to the Lord High Chancellor in consequence of his not having attended as aforesaid. And such clerk of the peace shall on the *thirtieth day of January one thousand eight hundred and ninety-six* and on every succeeding *thirtieth day of January* from his aforesaid records and the aforesaid returns make out and complete a return of all justices of the peace who have not attended any quarter, general, petty, or special sessions, for the previous year or during any period of *twelve* consecutive months, and shall forthwith transmit the same to the Lord High Chancellor of England.

Fine for
default.

4. Every clerk of the peace or clerk to the justices who shall neglect or fail to keep such record or to make such returns as are herein required to be kept or made by him shall, for every such offence be liable to a penalty of not exceeding *fifty pounds*, such penalty to be recoverable in manner provided by the Summary Jurisdiction Acts, 1848 and 1879, and any Act or Acts amending the same by any person with the consent of Her Majesty's Attorney-General.

Removal
from the
commission
unless there
be sufficient
excuse.

5. Any justice of the peace whose name shall be returned to the Lord High Chancellor as aforesaid may by statement in writing to such chancellor or otherwise show cause why his name should not be removed from the said commission of the peace, and the Lord High Chancellor may make such inquiries

and receive such evidence or statement as he shall in his discretion deem necessary. The name of every such justice who shall have been included in such return as aforesaid, and who shall fail within one whole year next after receiving notice of the
 5 fact from the Lord High Chancellor to show cause to the satisfaction of such Lord Chancellor why his name should not be removed from the commission of the peace shall forthwith be removed from the commission of the peace of the county, city, or borough, in respect of which he shall have been appointed. Provided always
 10 that sections two, three, and four of this Act shall not apply to any privy councillor, member of the Supreme Court of Judicature, county court judge, or other ex-officio justice of the peace, or to any sheriff.

A.D. 1895.

6. From and after the *thirtieth day of September, one thousand*
 15 *eight hundred and ninety-five*, every town council within the meaning of the Municipal Corporations Act, 1882, of any borough or city having a separate commission of the peace, and every county council established under the Local Government (England and Wales) Act, 1888, within whose jurisdiction any municipal borough
 20 not having a separate commission of the peace or any petty sessional division of a county is situate shall, subject to the conditions herein-after mentioned, respectively have the right to nominate a person or persons for appointment to the office of a justice or justices of the peace within such borough, city, or county respectively
 25 in the manner hereafter described.

Nomination of justices.

7. For the purposes of this Act there shall be appointed in every such council a committee for nomination of justices of the peace, consisting of the mayor or chairman of such council respectively, and not less than four nor more than ten councillors. Any vacancy
 30 in the committee for nomination of justices of the peace may be filled up by the council.

Constitution and powers of nominating committees.

8. The chairman of any district council situated within any such county, city, or borough, may from time to time submit in writing names of suitable persons residing within the district of
 35 the council of which he is chairman to the county council or town council respectively, and the nominating committee of the county or town council respectively shall take such representation into consideration.

Chairman of district councils may submit names to county and town councils.

9.—(1.) A council appointing under this Act a committee may
 40 from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and subject to

Proceedings of committee.

A.D. 1895.

such regulations, the proceedings, and quorum, and the place of meeting shall be such as the committee may from time to time direct, and the chairman at any meeting of such committee shall have a second or casting vote.

Every such nominating committee shall report its proceedings to the council by whom it was appointed, but the acts and proceedings of such nominating committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

(2.) The council shall make proper provision for enabling the committee to transact its business, and the clerk of the council shall act as clerk of the committee for nomination of justices of the peace.

Number to be nominated determined by Lord Chancellor.

10. The number of persons to be nominated for appointment as justices shall be such as the Lord High Chancellor of England, having regard to the requirements of the city, borough, or petty sessional divisions of the county, shall from time to time determine, with power for such Lord High Chancellor to increase or diminish the numbers from time to time upon the request of the town council or county council respectively, or of any district council established under the Local Government (England and Wales) Act, 1894.

Property qualification abolished.

11. Any male British subject of the age of *twenty-five years* shall be eligible to be nominated and appointed a justice of the peace under this Act, and notwithstanding any Act or Acts of Parliament requiring any property or other qualification or otherwise to the contrary, any person appointed under this Act may act as a justice of the peace within the borough, city, or county for which he is appointed upon taking the oaths required by law to be taken by a justice of the peace or making the requisite declarations other than the oath or declaration respecting the qualification by estate.

Particulars of persons nominated to be sent to Lord Chancellor.

12. The chairman or deputy chairman of the county council, or the mayor or deputy mayor of the town council, shall forward to the Lord High Chancellor of England the particulars of the name, place of abode, and calling of each person nominated, who may thereupon cause the names of such persons to be added to the commission of the peace for the county, city, or borough for which they were respectively nominated.

No person to be appointed a justice who is not nominated by the council.

13. From and after the *passing of this Act* no person shall be appointed a justice of the peace for any county, city, or borough who has not been nominated by the county council or town council of such county, city, or borough, in manner provided by this Act.

14. The roll of justices for every county, city, or borough, shall
forthwith after the *passing of this Act* be delivered by the person
for the time being holding the same to the clerk of the county
council or town clerk for every such county, city, or borough
5 respectively, and shall be duly kept by the said clerk of the county
council or town clerk amongst and as part of the records of such
county, city, or borough respectively.

A.D. 1895.
Custody of
the roll

15. In the county of Lancaster the Chancellor of the Duchy
shall fulfil the functions authorised by this Act to be discharged
10 in other parts of England and Wales by the Lord High Chancellor.

Provision for
county of
Lancaster.

16. The provisions of this Act shall only apply to England and
Wales.

Extent of
Act.

Justices of the Peace.

A

B I L L

To amend the Law in regard to the
Appointment, Qualification, and Re-
moval of the Justices of the Peace.

(*Prepared and brought in by*
Mr. Owen, Mr. Luttrell, Mr. Howell, Mr. Arthur
Williams, and Mr. Lambert.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
HODGKINS, FRIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 32.]

Justices of the Peace (Qualification) Bill.

MEMORANDUM.

OBJECTS OF THE BILL.

The objects of this Bill are to amend the mode of appointment of and the qualification required for county justices.

EFFECT OF THE BILL.

By clause 1 it does away with the practice of appointing on the recommendation or nomination of the Lord Lieutenant, which was until recently almost invariably the usage, though that practice had no legal sanction.

By clause 2 it enables a county council, when it considers any new appointment is required, to send up or recommend names to the Lord Chancellor or other proper officer (*i.e.*, in the Duchy of Lancaster, the Chancellor of the Duchy) of persons proper to be appointed.

By clause 3 it gives power to recommend similar to that given by clause 2 to the county council to public local authorities within the county as defined by clause 5.

By clause 4 it enables any person who has during the two years immediately preceding his appointment been the occupier of a dwelling-house in the county, whether his house is assessed at 100l. a year or not, to be appointed.

It repeals certain words in 38 & 39 Vict. c. 54., amending 18 Geo. 2. c. 20., which made residence in a house assessed at house duty at 100l. a year a qualification for the county bench.

The ancient Act, 2 Hen. 5. Stat. 2 (A.D. 1414), required that county justices should be made of the “most *sufficient* persons “dwelling in the same counties,” by the advice of the Chancellor and of the King’s Council. It is probable that “most sufficient” there means “most rich” or “most influential.”

By this Bill it is proposed to enact that instead of the “most *sufficient*” persons, the “most *efficient*” persons should be appointed.

By clause 5 “public local authority” is defined.

[Bill 69.]

a

NOTE.

The Statute 27 Hen. 8. c. 24. (A.D. 1535) enacts that no person . . . shall have any power or authority to make . . . any justices of the peace, but that all . . . shall be made under the King's Great Seal in the name and by the authority of the King's Highness and his heirs . . . in all shires, counties, &c., any grants, usages, &c., to the contrary notwithstanding.

A

B I L L

TO

Amend the Law relating to the Qualification and Appointment of Justices of the Peace in Counties. A.D. 1895.

WHEREAS the appointment of justices of the peace for counties is made by the Crown upon the advice of and through the Lord Chancellor (except in the case of the Duchy of Lancaster, where it is made upon the advice of and through the Chancellor of the said Duchy) :

And whereas the Lord Chancellor and the Chancellor of the said Duchy have until recently usually acted upon the nomination or recommendation of the Lord Lieutenant of the county for which justices are being appointed :

10 And whereas such mode of nomination or recommendation is not founded upon any law or statute :

And whereas it is desirable that such mode of nomination or recommendation should cease, and that other provision should be made :

15 And whereas it is also desirable that efficient persons should be capable of being made justices of the peace in counties, although they have not the qualification by estate or by the value of their houses now required by law :

Be it therefore enacted by the Queen's most Excellent Majesty, 20 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No appointment of justices of the peace for a county shall hereafter be made upon the nomination or recommendation of the Lord Lieutenant thereof, but such appointments shall be made by the Crown upon the advice of and through the Lord High Chancellor or other proper officer of the Crown upon a consideration of any names of persons who may occur to him or be suggested to him in the mode herein-after stated as fit and proper persons to be so appointed.

Recommendation of Lord Lieutenant to be unnecessary.

2. It shall be lawful for the county council of any administrative county from time to time to represent to the Lord Chancellor or

County council may submit

[Bill 69.]

A

A.D. 1895. other proper officer of the Crown the need of an appointment of a justice in such administrative county, and at the same time to suggest and submit to him, for his consideration, the name of such person as they shall think most competent to act as justice of the peace for their administrative county, or, in case their administrative county forms part of any larger area, for such larger area. 5

Public local authorities may in like manner submit names.

3. It shall also be lawful for any public local authority, as herein-after defined, to represent to the Lord Chancellor or other proper officer of the Crown the need within the district in or over which such public local authority hath jurisdiction or authority of an appointment of a justice in and for the county wherein such district or some part thereof is situate, and at the same time to suggest and submit to him for his consideration the name of such person resident in or near such district as they shall think most competent to act as justice of the peace in and for such county. 15

Resident householders may be appointed.

4. The words “assessed to the inhabited house duty at the value of not less than one hundred pounds,” contained in section one of the Act thirty-eight and thirty-nine Victoria, chapter fifty-four, entitled “An Act to amend the qualification required by persons acting as justices of the peace,” shall be and are hereby repealed, and such section shall be read and have effect as though such words were omitted; and 2 Henry 5, Statute the Second, which enacts that “the justices of the peace from henceforth to be made within the counties of England shall be made of the most sufficient persons dwelling in the same counties,” shall be read and have effect as if the word “efficient” were there substituted for the word “sufficient.” 25

Interpretation.

5. In this Act—

The phrase “administrative county” shall have the same meaning as in the Local Government Act, 1888:

51 & 52 Vict. c. 41. ss. 46, 100.

The phrase “public local authority” shall mean town council of a borough having no separate commission of the peace, district council, board of guardians, and such other elected public body or bodies as the Lord Chancellor shall from time to time by order in writing under his hand direct. 30

Extent of Act.

6. This Act shall not apply to Scotland or Ireland, or to county borough councils. 35

Short title.

7. This Act may be cited as the County Justices Act, 1895.

Justices of the Peace (Qualification).

A

B I L L

To amend the Law relating to the
Qualification and Appointment of
Justices of the Peace in Counties.

(Prepared and brought in by
Mr. Dodd, Mr. Stansfeld, Mr. Arch,
Mr. Channing, Mr. Charles Fennick, and
Mr. Corvett Williams.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

PRINTED BY EYRE AND SPOTTISWODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W. 1; or
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90, West Nile Street, Glasgow; or
HODGE, KIDGEE, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 69.]

Justices of the Peace Qualification (Repeal) Bill.

MEMORANDUM.

The object of this Bill is to do away with the property qualifications of county magistrates in England and Wales, to give all classes an opportunity of being represented on the county benches, and to put England and Wales on an equality with Ireland and Scotland with respect to the qualification of county magistrates.

There is no statutory property qualification for either county or borough magistrates in Ireland and Scotland, nor in England and Wales for borough magistrates.

A

B I L L

TO

Repeal the Law respecting the Qualifications of Justices of the Peace. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as the Justices of the Peace Qualification Repeal Act, 1895. Short title.

2. The Acts mentioned in the schedule to this Act are hereby repealed as from the *passing of this Act* to the extent specified in the third column in the said schedule. Repeal of Acts.

A.D. 1895.

SCHEDULE.**ACTS REPEALED.**

Date of Act.	Title of Act.	Extent of Repeal.	
5 Geo. 2. c. 18.	- An Act for the further qualification of justices of the peace.	The whole Act.	5
18 Geo. 2. c. 20.	- An Act to amend and render more effectual an Act passed in the fifth year of his present Majesty's reign, intituled "An Act for the further qualification of justices of the peace."	The whole Act.	10
38 & 39 Vict. c. 54.	- An Act to amend the qualification required by persons acting as justices of the peace.	The whole Act.	

Justices of the Peace Qualification (Repeal).

A

B I L L

To repeal the Law respecting the Qualifications of Justices of the Peace.

(Prepared and brought in by
Mr. Alpheus Norton, Mr. Arch, Mr. Billson,
Sir Charles Dilke, Mr. Dodd, Captain Fenwick,
Mr. Charles Fenwick, Mr. Fleming,
Mr. Herbert Lewis, Mr. Lloyd Morgan,
Mr. James Rowlands, and Mr. Francis Stevenson.)

*Ordered, by The House of Commons, to be Printed,
1 March 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
30, West Nile Street, Glasgow; or
HODGKINS, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 149.]

A

B I L L

TO

Provide for the Compulsory Sale of Land in Ireland in
certain cases.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) Tenants on any estate, being not less than three-fourths in number of the tenants on such estate, or being the whole number of tenants on any part of such estate situate in one townland, may, by notice to the landlord or his agent in the prescribed manner, offer to buy the fee simple of the land in their occupation at the
10 prices in such notice mentioned, and such notice is herein-after described as the notice to treat.

Notice to treat and originating application for compulsory sale of land.

- (2.) If within *three months* after receipt of the notice to treat the landlord has not agreed to sell under the Land Purchase (Ireland) Acts, 1870 to 1891, at the price therein mentioned, or at
15 other prices agreed upon between the parties, those of the said tenants with whom no agreement for sale has been made, or any of them, may apply by originating application in the prescribed manner to the Land Commission for the purchase of the landlord's interest in their holdings at a price to be fixed by the Land
20 Commission.

(3.) No notice to treat or originating application shall be bad by reason of any technical or trivial defect, and the Land Commission may in the prescribed manner remedy any such defect.

- (4.) Where any of the tenants applying in respect of any holding
25 in any townland holds other part of the same estate contiguous to such holding in any other townland he may include such other part in his application.

- 2.—(1.) The Land Commission shall on receipt of an originating application fix the price of the fee simple of each holding included
30 in such application.

Mode of fixing the price of holdings

[Bill 24.]

A.D. 1895.
compulsorily
sold.

(2.) Such price shall be fixed in such summary manner as may be prescribed, and shall be equal to the capital value of the landlord's interest in the holding; provided nevertheless that—

- (a.) The Land Commission shall not include in their estimate of the capital value of the landlord's interest any part of the value of the holding which would not be credited to the landlord and taken into account in fixing a fair rent under the Land Law (Ireland) Acts. 5
- (b.) No addition shall be made to the price on account of loss of amenity, severance of the lands taken from, or other injury to, the other lands of the landlord, or in respect of the purchase being compulsory. 10
- (c.) The price shall be such that, having regard to all the circumstances of the case, there would be adequate security for an advance to the tenant for the purchase of his holding equal to such price. 15

The mode
of carrying
compulsory
sales into
effect.

3.—(1.) Immediately on the fixing of the price the Land Commission shall, acting in the prescribed manner without the consent of landlord or incumbrancer, or of any person or court, proceed to order the sale of the holding at such price, and the vesting of such holding in the tenant and the advance of the amount of the purchase money under the Purchase of Land and Congested Districts (Ireland) Act, 1891, by the issue of a sum of guaranteed land stock equal in nominal amount to such price. 20

(2.) The Land Commission shall order that a guarantee deposit shall be retained out of the purchase money. 25

(3.) The Land Commission shall proceed to distribute the remainder of the purchase money among the landlord, encumbrancers, owners of head rents, and others entitled thereto; and to declare who is entitled to the guarantee deposit; and for this purpose subsection (1) of section fourteen of the Land Law (Ireland) Act, 1887, shall apply with such amendments as may be prescribed. 30

(4.) The Land Commission may by order do any act or thing which may be in their opinion necessary or expedient for the carrying out of the sale on behalf of landlord or incumbrancer or other person, whether an infant or of full age, or on behalf of any court. 35

(5.) The Land Commission may make any order they may think fit for the payment of costs of any person out of the guaranteed land stock so issued or out of the proceeds of sale thereof or otherwise. 40

4. The Land Commission may by order declare that a sum not exceeding *one year's* annual value of the holding shall be added to the price of the landlord's interest in the holding as a full discharge of all arrears up to the date of the originating application, and such
 5 sum may be treated, for all the purposes of the Purchase of Land (Ireland) Acts, 1870 to 1893, as if it had been part of the price of the landlord's interest in the holding.

A.D. 1895.

Provision
for arrears.

5. The tenant shall pay to the landlord on the usual gale days from the date of the originating application to the date of the order
 10 for sale *seventy* per cent. of any sum which would have been due for rent during the same period.

Payments to
the landlord
prior to com-
pletion of
the sale.

6. If the Land Commission are unable in any case to carry out any sale, they shall make such order concerning the payments due to the landlord in respect of the period prior to such order as they
 15 may think fit.

Proceedings
in case of
attempted
sale which
cannot be
carried out.

7.—(1.) The Land Commission in carrying out sales under this Act shall not be entitled to require any better proof of title than would a purchaser under the Vendor and Purchaser Act, 1874, and the Conveyancing and Law of Property Act, 1881, and any Act
 20 amending the same; provided also that for this purpose the Vendor and Purchaser Act, 1874, shall be construed as if in section one the words "*twenty* years" were substituted for the words "*forty* years"; and in section two the words "*ten* years" for the words "*twenty* years."

Proof of title
in cases of
compulsory
sale.

25 (2.) No costs incurred in proving any title which shall not have been certified by the Land Commission to have been necessarily incurred under this section shall be allowed on taxation.

8. No decision of the Land Commission under this Act shall be subject to any appeal except on questions of law.

Appeal.

30 9. In this Act—

Interpreta-
tion.

"Landlord" includes mortgagee in possession;

35 "Tenant" shall include a tenant formerly in possession of the holding within the meaning of section thirteen of the Purchase of Land (Ireland) Act, 1891, but shall not include any person who was not by himself or his predecessors in title in occupation of the holding prior to the fifteenth day of May in that section mentioned;

"Prescribed" means prescribed by rules of the Land Commission made under this Act;

40 "Estate" means any area of land lying in one parcel and owned by one landlord, whether absolutely or as limited owner.

Land Compulsory Sale (Ireland).

A

B I L L

To provide for the Compulsory Sale of
Land in Ireland in certain cases.

(Prepared and brought in by
Mr. Reynolds, Mr. T. M. Healy,
Mr. Matthew Kenny, Mr. Pinkerton, Mr. Sexton,
Mr. Knox, and Mr. Arthur O'Connor.)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any bookseller, from
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[Price 3d.]

[Bill 24.]

A.D. 1895

Short title,
mode of cita-
tion, and con-
struction.

10. Save as aforesaid and where the context otherwise requires, this Act shall be construed as one with the purchase of Land (Ireland) Acts, 1870 to 1891, and may be cited as the Compulsory Sale of Land (Ireland) Act, 1895, and this Act and those Acts may be cited together as the Purchase of Land (Ireland) Acts, 1870 to 5 1895.

Land Law (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

LAND LAW.

Clause.

1. Statutory term.
 2. Amendment of 44 & 45 Vict. c. 49. s. 58, and 50 & 51 Vict. c. 33. s. 9, as to the exclusion of certain holdings.
 3. Subletting of holding.
 4. Present tenancies.
 5. Improvements.
 6. Abolition of landlord's right of pre-emption.
 7. Presumption as to Ulster custom.
 8. Turbary and other profits, easements, and privileges.
 9. Tenancy not invalidated by reason of subletting by landlord.
 10. Determination of estate of immediate landlord.
 11. Lettings by persons not absolute owners.
 12. Amendments of procedure as to limited representation of deceased person, and re-hearing.
 13. Amendment of 54 & 55 Vict. c. 57.
 14. Limitation of time on proceedings for recovery of rent.
 15. Application and construction of part of Act.
-

PART II.

LAND PURCHASE.

16. Re-enactment, with modifications of 54 & 55 Vict. c. 48. s. 13, as to purchase by tenants formerly in possession of holdings.
-

PART III.

SUPPLEMENTAL.

Clause.

17. Definitions.
18. Extent and short title.
19. Repeal of Acts.

SCHEDULE.

A

B I L L

TO

Further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

PART I.

LAND LAW.

1.—(1.) Any statutory term beginning after the *passing of this Act* in a present tenancy shall be *ten years*, and in sections four and eight of the Land Law (Ireland) Act, 1881, "*ten*" shall, as respects any such term, be substituted for "*fifteen*." Statutory term.
44 & 45 Vict.
c. 49.

10 (2.) Where a statutory term in the tenancy of a holding is current at the *passing of this Act* an agreement or application to fix a fair rent for the holding may be made at any time after the expiration of the *ninth year* of that term, and the new judicial rent fixed by the court and the further statutory term shall, notwithstanding that the statutory term current at the passing of this Act has not expired, begin on the gale day on which the *tenth year* of the current statutory term expires, or the gale day next after the application, whichever is latest.

20 (3.) On the expiration of a statutory term in a present tenancy the tenancy shall continue a present tenancy, subject to the same rent and conditions (including the statutory conditions) as during the statutory term, until the tenancy is determined, or a new judicial rent for the holding, whether fixed by the court or by agreement, begins, and an application or agreement to fix a fair rent may be made at any time ; and no objection to an application to fix such new judicial rent shall be allowed which could have been but was

[Bill 156.]

A 2

A.D. 1895. not taken upon the application for a previous judicial rent, or being then taken was overruled.

(4.) Where the court on application fix a judicial rent for a holding, the judicial rent and statutory term shall, save as above in this section mentioned, begin on the gale day next after the date of the application, or if a preceding statutory term is then current, on any later gale day on which that statutory term expires. 5

(5.) The judicial rent fixed by order of the Court for a holding shall, as from the gale day on which it begins, be the rent payable by the tenant of the holding, and where it differs from the previous rent, whether or not a judicial rent, then in respect of the period elapsed since the gale day on which it begins, the difference, if the judicial rent so fixed is higher than the previous rent, shall be paid by the tenant, and if that rent is lower, and the difference has been actually paid by the tenant, may be deducted from any rent subsequently payable by him. 15

Amendment
of 44 & 45
Vict. c. 49.
s. 58, and
50 & 51 Vict.
c. 33. s. 9.
as to the
exclusion of
certain
holdings.

2. Section fifty-eight of the Land Law (Ireland) Act, 1881, and section nine of the Land Law (Ireland) Act, 1887 (which relate to the exclusion from the Land Law Acts of tenancies in certain holdings), shall be amended as follows :— 20

(1.) A tenancy in a holding shall not be excluded from the Land Law Acts on the ground that a part of the holding is not agricultural or pastoral, or is an incorporeal hereditament, if in the opinion of the court that part is not the substantial part of the holding. 25

(2.) A tenancy in a holding shall not be excluded from the Land Law Acts on the ground that the holding is a town park adjoining or near to any city or town—

(a) if that city or town had a population according to the census of one thousand eight hundred and eighty-one of less than two thousand inhabitants; or 30

(b) if the holding is let to be used as an ordinary farm, whether agricultural or pastoral, or partly agricultural and partly pastoral.

(3.) A tenancy in a holding shall not be excluded from the Land Law Acts on the ground that it is a tenancy in demesne land, unless it is shown that the holding was let for the temporary convenience of the landlord or to meet a temporary necessity and with the bonâ fide intention of resuming the use thereof as demesne land, and the letting of a holding by a lease for more than *twenty-one years* or for lives shall not be deemed a letting for temporary convenience or to meet a temporary necessity. 35 40

(4.) Where a portion of a holding consists of demesne land, but is not the substantial part of that holding, the court may, upon an application to fix a fair rent, declare that the substantial part of the holding shall be treated as a separate holding from the part which consists of demesne land. A.D. 1895.

(5.) Subsection three of the said section fifty-eight relating to a holding let to be used wholly or mainly for the purpose of pasture, shall be amended by the substitution of "*two hundred pounds*" for "*fifty pounds*," and shall not include any holding let to be used wholly or mainly for a dairy farm.

3. For the purpose of an application to fix a fair rent, the tenant of a holding shall be deemed to be in bonâ fide occupation of his holding notwithstanding— Subletting of holding. See 44 & 45 Vict. c. 49. ss. 5, 21, 51, 57. 50 & 51 Vict. c. 33. s. 4.

(a) that some dwelling-house on the holding, not being the dwelling of the tenant, and not having been erected by the tenant in breach of his contract of tenancy, is sublet; or

(b) that any other part of the holding is sublet if the substantial part of the holding remains in the bonâ fide occupation of the tenant; or

(c) that a portion of the holding is sublet if the holding was let to the tenant subject to the tenancy of some other person in the portion sublet.

4.—(1.) Where a tenancy in a holding began not less than *five years* next before the tenant thereof applies to have a fair rent fixed for the holding, and the tenant so applying either has at any time, whether before or after *the passing of this Act*, been a present tenant of that holding or of the substantial part thereof, or was before the twenty-third day of August one thousand eight hundred and eighty-seven a tenant of that holding or of the substantial part thereof, the tenancy shall be a present tenancy within the meaning of the Land Law Acts, and the application shall be deemed to have been made by a present tenant. Present tenancies. 44 & 45 Vict. c. 49.

(2.) If at any time the landlord and tenant so agree, a future tenancy shall become a present tenancy within the meaning of the Land Law Acts.

5. Whereas by sub-section nine of section eight of the Land Law (Ireland), Act, 1881, it is enacted that no rent is to be allowed or made payable in respect of improvements made by the tenant for which, in the opinion of the court, he has not been paid or otherwise compensated by the landlord, be it therefore enacted as follows:— Improvements. 44 & 45 Vict. c. 49.

(1.) Where an application to fix the fair rent of a holding has been made, the court shall ascertain whether any such improvements have been so made and shall record any so made which they consider to be capable of accurate record, and that record

A.D. 1895.

33 & 34 Vict.
c. 46.

shall be admissible in evidence on its mere production from the proper custody.

- (2.) An improvement within the meaning of the said subsection nine and this Act shall, notwithstanding anything in the Landlord and Tenant (Ireland) Act, 1870, include every expenditure of capital or labour on or in respect of the holding which increases the letting value thereof. 5
- (3.) In fixing a fair rent for a holding the court shall have regard to the interest of the landlord and tenant respectively, and where it appears to the court, that any improvement made by the tenant on the holding, and not paid for or otherwise compensated by the landlord, has resulted in an increase of the letting value of the holding beyond what the holding would, at the time of fixing the fair rent, let for without such improvement, such increase of letting value shall be included in the tenant's interest. 10
- (4.) In fixing a fair rent the court shall consider the interest of the tenant as including the right of the tenant to the continued occupation of his holding under the Landlord and Tenant (Ireland) Act, 1870, and the Land Law Acts. 20
- (5.) A tenant shall not be deemed to have been paid or compensated for any improvement, except to the extent to which in the opinion of the court any money or money's worth has been given by the landlord in respect of the improvement.
- (6.) Neither a contract by a tenant not to claim on quitting his holding compensation for any improvement made by him, nor anything in section four of the Landlord and Tenant (Ireland) Act, 1870, shall authorise the allowance of any rent in respect of any improvement. 25
- (7.) All improvements on a holding shall be presumed to have been made by the tenant, unless the contrary is proved, or the court are satisfied that the improvements were made before the first day of August one thousand eight hundred and fifty, and the landlord gives such information as is available (whether legally admissible in evidence or not) to show that the improvements were made by him; Provided that nothing in this subsection shall diminish any presumption in favour of the tenant of a holding subject to the Ulster tenant-right custom, or diminish any right of the landlord of a holding to which subsection four of section eight of the Land Law (Ireland) Act, 1881, applies. 30 35 40

Abolition of
landlord's
right of pre-
emption.
44 & 45 Vict.
c. 49, s. 1.(3.)

6. So much of the Land Law (Ireland) Act, 1881, as gives to a landlord any right of pre-emption where a tenant sells his tenancy shall be repealed.

A.D. 1895.

7. In the province of Ulster a holding shall, until the contrary is proved, be deemed to be subject to the Ulster tenant-right custom.

Presumption as to Ulster custom.

8. Where, on an application to fix a fair rent for a holding, it is proved to the court that the tenant of the holding, by virtue of his
5 tenancy under his landlord has been accustomed, whether as of right or by permission, and whether with or without payment, to exercise any profit a prendre easement privilege of turbary or other privilege over land belonging to the landlord, the court, after giving the landlord and any tenant of the land an opportunity to be heard,
10 may make an order for securing the profit easement or privilege to the tenant of the holding upon such terms and in such manner as the court think just, and such order shall be binding on all estates and interests in the said land.

Turbary and other profits, easements, and privileges.

9. A tenancy of a holding shall not be invalid by reason of the
15 immediate landlord of the tenant or any superior landlord holding under a contract of tenancy which contains a prohibition, express or implied, against subletting or assignment, and of such prohibition having been disobeyed, unless a proceeding to invalidate the tenancy is taken by a superior landlord entitled to enforce that
20 prohibition, and that landlord shows that he dissented from the subletting or assignment within a reasonable time after it occurred.

Tenancy not invalidated by reason of subletting by landlord.

10.—(1.) Where a superior landlord recovers against an immediate landlord a judgment in ejectment for non-payment of rent of a holding, or of lands including a holding, the estate of the immediate
25 landlord shall be deemed to be determined within the meaning of section fifteen of the Land Law (Ireland) Act, 1881, without prejudice to his right to redeem his interest.

Determination of estate of immediate landlord.

(2.) Where the nonpayment was not due to the nonpayment of rent by the tenants of the holdings, such judgment shall
30 not be executed against the tenants, and the tenancies of the holdings shall not be affected except that the superior landlord shall stand in the relation of immediate landlord to the tenants, and may proceed accordingly for recovery of all rent due from them. If the amount recovered by him from the tenants equals
35 or exceeds the amount due to him from the immediate landlord, the interest of the immediate landlord shall not be deemed to have been redeemed, but the superior landlord shall pay the excess to the immediate landlord, after deducting any amount due for costs.

44 & 45 Vict. c. 49. s. 15.

44 & 45 Vict. c. 49.

40 11. The Land Law Acts shall apply, and be deemed to have always applied, in the case of tenancies created by a judge or master of the High Court, or the Lord Chancellor in a lunacy

Lettings by persons not absolute owners.

A.D. 1895.

See 33 & 34
Vict. c. 46.
ss. 26, 29;
44 & 45 Vict.
c. 49. s. 23.

matter, or by a limited owner, or by a mortgagor or mortgagee in possession, and the tenancies shall not be or be deemed to have been determined by the cesser of the control of such judge master or Lord Chancellor, nor except in the case of fraud or collusion by the cesser of the interest or possession of such limited owner 5 mortgagor or mortgagee; and the person entitled on such cesser to receive the rent of the holding shall stand in the relation of landlord to the tenant of the holding, and have the right and be subject to the obligations of landlord accordingly.

Amendments
of procedure
as to limited
representa-
tion of
deceased
person, and
rehearing.
44 & 45 Vict.
c. 49.

12.—(1.) On any application under the Land Law Acts, as 10 amended by this Act, an order may, subject to the prescribed regulations, be made by the court, appointing some person limited administrator of a deceased person for the purpose of such applica- 15 tion, and such order may be made whether such deceased person did or did not die before the application, or make a will which has not been proved.

(2.) Rules under section fifty of the Land Law (Ireland) Act, 1881, may provide that, subject to the qualifications (if any) contained in those rules every notice of appeal shall state the grounds of appeal, and no grounds shall be heard except those so stated, and 20 for the purpose of this enactment "appeal" includes "re-hearing."

Amendment
of 54 & 55
Vict. c. 57.

13. The Redemption of Rent (Ireland) Act, 1891, shall be amended as follows:—

(a.) The provisions of the Land Law Acts and this Act with respect to improvements shall apply, notwithstanding that the 25 lessee or grantee would not, on quitting his holding, be entitled to claim compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870.

(b.) A person shall be a lessee or a grantee under a fee farm grant within the meaning of the said Act notwithstanding 30 that the instrument under which he holds is dated before the first day of January one thousand eight hundred and sixty-one, and by reason of its date does not create the relation of landlord and tenant between him and the person to whom money is payable thereunder in respect of the holding, and that person 35 shall be a lessor or grantor in like manner as if the instrument were executed on or after the above-mentioned day.

33 & 34 Vict.
c. 46.

Limitation
of time on
proceedings
for recovery
of rent.

14.—(1.) No person shall make an entry, bring an action, or take any proceeding to recover any rent for a holding to which the Land Law Acts as amended by this Act apply, or to recover land 40 on the ground of the non-payment of such rent, but within *two years* next after such rent became due.

(2.) This section shall be without prejudice to section fifty-one of the Landlord and Tenant Law Amendment Act (Ireland), 1860, which limits the time for a distress. A.D. 1895.
23 & 24 Vict.
c. 154.

(3.) This section shall not apply to any rent due before the 5 *passing of this Act* until the expiration of *two years* from such passing.

15.—(1.) Part One of this Act shall apply to every proceeding pending at the *passing of this Act*. Application and construction of part of Act.

10 (2.) An application to fix a fair rent for a holding shall not be refused on the ground of any previous decision with reference to the holding or any part thereof, whether between the same parties or otherwise, if such application can be sustained under this Act or any of the Land Law Acts as amended by this Act. 44 & 45 Vict.
c. 49.
50 & 51 Vict.
c. 33.
54 & 55 Vict.
c. 57.

15 (3.) Part One of this Act shall be construed as one with the Land Law Acts, and shall apply to all holdings to which those Acts, or any of them, as amended by this Act, apply, and section twenty-two of the Land Law (Ireland) Act, 1881, shall apply as if the said Acts and this Act were part of the foregoing provisions of the said Act of 1881, within the meaning of the said section.

PART II.

LAND PURCHASE.

16.—(1.) Section thirteen of the Purchase of Land (Ireland) Act, 1891, shall have effect as if enacted in this part of this Act with the modifications following:— Re-enactment with modifications of 54 & 55 Vict. c. 48, s. 13, as to purchase by tenants formerly in possession of holdings.

25 (a) *twelve months of the passing of this Act* shall be substituted for six months of the passing of this Act;

30 (b) if within the prescribed time, either party has served on the other and on the Land Commission, the prescribed notice of his willingness to enter into the agreement, and the other party does not within the prescribed time after such service object in the prescribed manner, an agreement shall be deemed to have been entered into within the meaning of the section between the parties therein mentioned for the sale of the holding at such price as may be agreed on, or if not agreed on, may be determined by the Land Commission.

(2.) Part Two of this Act shall be construed as one with the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts as therein defined, and the expression “prescribed” in Part 54 & 55 Vict.
c. 48.

A.D. 1895. Two of this Act, means prescribed by rules made by the Land Commission for carrying into effect the said Acts.

PART III.

SUPPLEMENTAL.

Definitions.

17. In this Act, unless the context otherwise requires— 5

The expression “dwelling-house” includes any out-house, curtilage, and garden appurtenant thereto :

The expressions “landlord” and “tenant” include respectively the predecessors in title of a landlord or tenant :

The expression “limited owner” means a limited owner within 10

33 & 34 Vict.

c. 46.

45 & 46 Vict.

c. 38.

53 & 54 Vict.

c. 69.

44 & 45 Vict.

c. 49.

50 & 51 Vict.

c. 33.

54 & 55 Vict.

c. 57.

the meaning of section twenty-six of the Landlord and Tenant (Ireland) Act, 1870, and includes any person having the powers of a tenant for life under the Settled Land Acts, 1882 to 1890 :

The expression “lease” includes an agreement for a lease :

The expression “Land Law Acts” means the Land Law (Ireland) 15

Act, 1881, except Part V. thereof, Part I. of the Land Law

(Ireland) Act, 1887, and the Redemption of Rent (Ireland)

Act, 1891, and does not include the Landlord and Tenant

(Ireland) Act, 1870, except so far as the provisions of it are necessary for giving effect to the above-mentioned portion of 20
the Land Law (Ireland) Act, 1881 :

Other expressions have the same meaning as in the Land Law Acts.

Extent and short title.

44 & 45 Vict.

c. 49.

50 & 51 Vict.

c. 33.

54 & 55 Vict.

c. 57.

Repeal of Acts.

18.—(1.) This Act shall apply to Ireland only.

(2.) This Act may be cited as the Land Law (Ireland) Act, 25
1895.

(3.) This Act and the Land Law Acts may be cited together
as the Land Law (Ireland) Acts, 1881 to 1895.

19. The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule 30
mentioned.

SCHEDULE.

A.D. 1895.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 10 15 20 25 30 35	44 & 45 Vict. c. 49. - Land Law (Ireland) Act, 1881.	Section one, from "and subject" down to "subject to statutory conditions," and from "on receiving such notice" down to "true value," being subsection three, and from "a landlord on receiving notice" to the end of the section, being subsection sixteen. Section eight, from "as from the period" down to "decision of the court," being part of subsection two; from "from the rent day" down to "has been given," being part of subsection three from "on the occasion of any application" to "value was so fixed," being subsection five. Section twenty, from "where a present tenancy" down to "applicable to present tenancies," being subsection three, and so much of the last subsection as is inconsistent with the provisions of this Act respecting present tenancies So much of section fifty-seven and of any other part of the Act as applies for the purpose of fixing a fair rent the following provisions of the Landlord and Tenant (Ireland) Act, 1870, namely, section four, section five, and section seventy, from "The term 'improvements'" to the end of the section.
40	50 & 51 Vict. c. 33. - The Land Law (Ireland) Act, 1887.	Section five. Section nine, from the beginning of the clause down to "inhabitants thereof."

Land Law (Ireland).

A

B I L L

To further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

(*Prepared and brought in by*
Mr. John Morley and Mr. Attorney-General.)

Ordered, by The House of Commons, to be Printed,
4 March 1895.

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[Bill 156.]

Land Tenure Bill.

MEMORANDUM.

The object of this Bill is to extend, cheapen, and simplify the law of compensation for tenants improvements.

The tenant may at the determination of the tenancy, whether he is quitting the holding or not, claim compensation for improvements. The tenant, on refusal of the landlord to make permanent improvements, may be empowered by an arbitrator to do so, provided they are suitable to the holding.

In the case of repairs the landlord has the option by notice, to execute them; if he neglects to the tenant may be compensated for carrying them out.

Compensation is to be awarded for unreasonable disturbance, damage by game, continuous good farming, and consumption of home grown corn.

The consent of the landlord is dispensed with in laying down permanent pasture.

The landlord and tenant are placed on an equality in making claims, the landlord being enabled, with or without the tenants claim to get compensation for the deterioration of the holding.

A record of the condition of the holding is to be made at the commencement or on application of either party, during a tenancy.

The tenant is allowed freedom of cropping and sale of produce, provided he does not diminish the fertility of the soil.

Penal rents are limited to actual loss.

Landlords' right of distraint is abolished.

Disputes are settled by an arbitrator appointed by County Court from a list of practical men selected by the County Council, who are to be approved of and their fees regulated by the Board of Agriculture.

Land Tenure Bill.

ARRANGEMENT OF CLAUSES.

Compensation for Improvements.

Clause.

1. General right of tenant to compensation.
2. Notice to landlord as to improvements in First Schedule.
3. Power to refer to arbitration on landlord's dissent.
4. Compensation for damage by game.
5. Cases in which compensation for disturbance is to be paid.
6. Definition of compensation for disturbance.
7. Procedure as to compensation for improvements or waste.
8. Penal rents limited to actual loss.
9. Appointment of arbitrator.

Official Arbitrators.—Fees.

10. Public list of official agricultural arbitrators.
11. County council rules of valuation.
12. Freedom of cropping and disposal of produce.
13. Record of condition of holding.
14. Abolition of distress for rent.
15. Repeal of sections of Agricultural Holdings Act, 1883.
16. Construction of Act.
17. Short title.
18. Extent of Act.

SCHEDULE.

A
B I L L

TO

Amend the Law relating to the Tenancy of Land.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 *Compensation for Improvements.*

1. Subject as in this Act mentioned, where a tenant has made on his holding any improvement comprised in the First Schedule hereto he shall, on and after the *commencement of this Act*, be entitled at the determination of a tenancy to obtain from the landlord as compensation for such improvement such sum as fairly represents the value of the improvement to an incoming tenant.

General right of tenant to compensation.

2. Compensation under this Act shall not be payable in respect of any improvement mentioned in the first or second part of the First Schedule hereto and executed after the commencement of this Act, unless the tenant has not more than *three months* and not less than *two months* before beginning to execute such improvement given to the landlord, or his agent duly authorised on that behalf, notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and of the estimated cost thereof, and upon such notice being given, the landlord and tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed, and in the event of any such agreement being made any compensation payable thereunder shall be deemed to be substituted for compensation under this Act, or the landlord may, unless the notice of the tenant is previously withdrawn, undertake to execute the improvement himself, and may execute the same in any reasonable and proper manner which he thinks fit, and charge the tenant a sum not exceeding *four pounds per centum* on the outlay incurred in executing the improvement,

Notice to landlord as to improvements in First Schedule.

[Bill 13.]

A

A.D. 1895. or not exceeding such annual sum payable for a period of *twenty-five years* as will repay such outlay in the said period, with interest at the rate of *two and a half* per centum per annum, such annual sum to be recoverable as rent. In default of any such agreement or undertaking, and also in the event of the landlord failing to 5 comply with his undertaking within *three* months, the tenant may execute the improvement himself, and shall in respect thereof be entitled to compensation, subject to the provisions of section three of this Act.

Power to refer to arbitration on landlord's dissent.

3. Whenever a tenant shall intend to execute any improvement mentioned in the first part of the First Schedule to this Act, and shall give notice as aforesaid to the landlord or his duly authorised agent of such intention, it shall be competent for the landlord or his duly authorised agent, within *one* month after such notice, to deliver to the tenant a declaration of his dissent in writing to such 15 intended improvement or improvements, and the matter in difference shall then be referred to arbitration in manner provided by section nine of this Act. If the arbitrator shall be of opinion that the improvement or improvements specified in the notice will increase the productiveness of the holding, or will enhance the value thereof 20 and be a suitable and a desirable improvement to the holding as an agricultural holding, he may award leave to the tenant to execute such improvement or improvements without conditions, or subject to such conditions as he may set forth in the award, and thereupon the tenant on the determination of the tenancy shall be entitled to 25 compensation for the improvements which he shall, within *three years* after the date of the award, execute in pursuance of such leave in the same manner as if the landlord had not dissented from the making of such improvement or improvements; but if the arbitrator refuse such leave, the tenant shall not, if he executes 30 such improvement within *five years* from the date of the award, be entitled to any compensation therefor.

Compensation for damage by game.

4. Where a tenant has sustained any loss or damage from winged or ground game, due to the preservation of such game by his landlord or the owner or occupier of an adjoining holding, he shall at 35 any time during the tenancy be entitled to claim compensation from such landlord or owner or occupier, for such loss or damage, and any agreement to the contrary shall be void and of no effect, and in case of difference as to the amount of such damage the same shall be settled by a reference under this Act. 40

Cases in which compensation

5. Where a tenancy is terminated by reason of the landlord unreasonably and without good and sufficient cause refusing to

grant a renewal of the tenancy, or requiring a higher rent or more onerous conditions as terms of such renewal the tenant upon quitting the tenancy shall be entitled to compensation for disturbance. A.D. 1895.
for disturbance is to be paid.

- 5 **6.** Compensation for disturbance shall mean, in addition to any compensation due to the tenant for improvement under this Act or under any agreement in respect of such improvements, a further compensation in respect of the loss which the arbitrator shall find to be sustained by the tenant by reason of quitting his holding, and all
10 differences as to claims for compensation for disturbance shall be settled by a reference under this Act. Definition of compensation for disturbance.

- 15 **7.** A tenant claiming compensation for improvements under this Act shall, *twenty-eight days* at least before the determination of the tenancy, give notice in writing of his intention to make such claim. Procedure as to compensation for improvements or waste.

A landlord may within *twenty-eight days* at least before the determination of the tenancy give to the tenant notice in writing of his intention to make a claim in respect of any waste or breach of covenant permitted or committed by the tenant.

- 20 Every such notice shall state, as far as reasonably may be, the particulars and amount of intended claim.

- 25 **8.** Where any claim is made by the landlord for any penal or additional rent or payment in respect of any breach or non-performance of any agreement or covenant connected with the contract of tenancy, the sum awarded shall be limited to the actual loss or damage sustained by the landlord from any such default on the part of the tenant. Penal rents limited to actual loss.

9. Where there is a reference under this Act an arbitrator shall be appointed as follows :— Appointment of arbitrator.

- 30 If the parties concur there may be an arbitrator appointed by them jointly.

- If the parties do not concur in the appointment of arbitrator, then on application of either party the county court shall appoint as arbitrator a competent and impartial person from the list of
35 agricultural arbitrators hereinafter mentioned to be arbitrator.

- If before award the arbitrator dies or becomes incapable of acting, or neglects or refuses to act or fails to act within *seven days* after notice from the parties or either of them requiring him to act, the proceedings shall begin afresh as if no arbitrator had been
40 appointed.

A.D. 1895.

Notice of appointment of arbitrator by the county court shall be given by such court to both parties.

Every such appointment, notice, and request under this section shall be in writing.

Official Arbitrators.—Fees.

5

Public list
of official
agricultural
arbitrators.

10.—(1.) The county council for every county (other than the metropolis and the county of a city, town, or borough) shall from time to time appoint such number of fit persons as they shall think fit to be agricultural arbitrators for such county for a period not exceeding *three years* and shall forward the names of such persons to the Board of Agriculture, and such of them as the said Board shall approve, shall be and become official agricultural arbitrators under this Act for such county, and the Board of Agriculture shall publish a list of them, and the county court shall appoint all arbitrators to be appointed by them from the list for the county in which the holding, or some part of the holding with reference to which such appointment is made, is situate. 10

(2.) In appointing an arbitrator with reference to any holding which is not wholly or in part within any such county as aforesaid, the county court shall select a person from the list of arbitrators of any county. 20

(3.) If any official agricultural arbitrator shall be proved to the satisfaction of the said Board of Agriculture to be incompetent or guilty of any misconduct in the execution of his duty as an arbitrator, he shall be liable to have his appointment summarily cancelled by the said Board. 25

County
council rules
of valuation.

11. The council of any county whatsoever may, if it shall think fit, and with the approval of the Board of Agriculture, prescribe rules of valuation for the guidance of arbitrators appointed by the county court, and it shall be the duty of such arbitrators, when valuing within such county, to value in accordance with such rules. 30

Arbitrators appointed under this Act other than those appointed by the parties shall be paid according to a scale of charges fixed by the Board of Agriculture, and the said Board may from time to time revise and alter such scale. 35

Freedom
of cropping
and disposal
of produce.

12. Where by any contract of tenancy it is stipulated that a tenancy shall cease or determine or that a landlord shall have the right to re-enter on the holding, or that a forfeiture shall accrue, or that any penal or additional rent shall become due or payable by the tenant, or that the tenant shall incur any liability or suffer any other disadvantage, on the breach or non-performance by such 40

A.D. 1895.

tenant of any covenant or agreement connected with the tenancy in respect of the mode of cultivation, cropping, or disposal of produce (other than a covenant, agreement, or stipulation not to break up or convert into tillage any permanent pasture or meadow land included
 5 in the holding), such stipulation shall be void and of no effect if the tenant shall have made previously to the time when it was sought to enforce or take advantage of such stipulation provision for the protection of the holding from injury or deterioration by reason of such breach or non-performance, which shall in the
 10 opinion of an arbitrator under this Act be reasonable and sufficient.

13. Every contract of tenancy entered into after the commencement of this Act shall contain a scheduled record of the agricultural condition of the holding and its several parts, and of the buildings, fences, roads, and drains at the beginning of the contract of tenancy. At any time during a tenancy existing at the commencement of this Act, either party may require a record in similar form to be made by an arbitrator appointed by the county court. The costs of such arbitrator shall be borne by the party requiring the same unless the arbitrator shall otherwise direct.
 15
 20 Copies of all such records shall be deposited in the office of the registrar of the county court, and either party shall be entitled to inspect same at all reasonable times, and to take copies thereof.

Record of condition of holding.

14. After the commencement of this Act, it shall not be lawful for any landlord or other person entitled heretofore to take distress
 25 for rent due in respect of any holding under this Act to so take or cause to be taken any distress for rent due in respect of any such holding, and any agreement in contravention of this section, whether entered into before or after *the passing of this Act*, shall be void, and of no effect.

Abolition of distress for rent.

30 15. From and after the *passing of this Act*, sections one, three, four, and seven, and Part II. of the Agricultural Holdings Act, 1883, shall be and are repealed.

Repeal of 46 & 47 Vict. c. 61. ss. 1, 3, 4, and 7, and Part II.

16. This Act shall be read and construed with the unrepealed sections of the Agricultural Holdings Act, 1883.

Construction of Act.

35 The provisions relating to referees or umpires in the Agricultural Holdings Act, 1883, shall, so far as not inconsistent with the provisions of this Act, apply to the arbitrators appointed under this Act.

17. This Act shall be cited for all purposes as the Land Tenure
 40 (England) Act, 1895.

Short title.

18. This Act shall apply to England only.

Extent of Act.

A.D. 1895.

SCHEDULE.

PART I.

Improvements in respect of which consent of Landlord or a Reference under the Act is required.

Erection, or enlargement, or improvement of buildings, including labourers cottages; making or improvement of drains or other sanitary accommodation or works.	5
Formation or enlargement of silos.	
Making and planting of osier beds.	
Making or enlarging of water meadows, or works of irrigation.	10
Making or enlarging of gardens.	
Making of roads or bridges.	
Making of watercourses, ponds, wells, or reservoirs, or of works for the application of water power, or for supply of water for agricultural or domestic purposes, including water supply for labourers or to labourers cottages.	15
Removal of fences.	
Planting of hops.	
Planting of orchards, or fruit trees, or fruit bushes.	
Planting of strawberry plants, asparagus, and other vegetable crops.	
Reclaiming of uninclosed waste land.	20
Warping of land.	
Drainage.	

PART II.

Improvements in respect of which notice to landlord is required.

Repairing of buildings.	25
Improving of roads.	
Improving of water courses, ponds, wells, or reservoirs, or of works for the application of water power, or for supply of water for agricultural or domestic purposes.	
Making of fences.	30
Embankment and sluices against floods.	
Reclaiming of enclosed waste land.	

PART III.

Improvements in respect of which consent of or notice to landlord is not required.

Boning of land with undissolved bones.	35
Chalking of land.	
Clay-burning.	
Claying of land.	
Liming of land.	
Marling of land.	40

Application to land of purchased artificial or other purchased manure.

A.D. 1895.

Consumption on the holding by horses exclusively engaged or kept on the holding, cattle, sheep, or pigs, of cake or other feeding stuff not produced on the holding.

- 5 Consumption on the holding by horses exclusively engaged or kept on the holding, cattle, sheep, or pigs of corn grown on the holding.

Continuous good farming and cultivation or good husbandry in excess of the standard of cultivation or good husbandry usual in the neighbourhood.

Laying down of permanent pasture.

- 10 Laying down seeds or other temporary pasture for a period of not less than two years.

Any other improvement increasing the value of the holding as an agricultural holding.

Land Tenure.

A

B I L L

To amend the Law relating to the
Tenancy of Land.

*(Prepared and brought in by
Mr. Lambert, Mr. Channing, Mr. Bilson,
Mr. Lattrell, Mr. Edwards, Mr. Leon,
and Mr. William Smith.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1896.*

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[Price 1½d.]

[Bill 13.]

Land Tenure (England) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.

Security of Tenure.

3. A tenant shall not be removed except for breach of statutory conditions.
4. Power of resumption by landlord.
5. Landlord or his relative to occupy resumed holding for three years, otherwise tenant entitled to re-occupy or sell the tenancy of the holding.
6. Land Court may relieve against forfeiture on breach of statutory conditions.

Reasonable Conditions of Tenancy and Fair Rent.

7. Judicial conditions of tenancy and rent. Judicial rent may be increased in respect of capital laid out by landlords. Damages substituted for penal rents.

Amendment of Law as to Compensation for Improvements.

8. Power to refer to Land Court on landlord's refusal to consent to first-class improvement.
9. Amendment of schedule.
10. Valuation of compensation.

Power of Tenant to nominate Successor or bequeath Tenancy.

11. Tenant may nominate his successor to tenancy.
12. Power for tenant to bequeath tenancy by will, and for the administrator of a deceased tenant to assign to next-of-kin without landlord's consent.

Leaseholders.

Clause.

13. Lessees and sub-lessees in occupation to be deemed tenants from year to year at expiration of leases.

Regulations as to Common Grazings, Sheep-walks, and Mountain Pastures.

14. Appointment of committee.
15. Casual vacancies.
16. On failure of tenants to appoint committee, Land Court may do so.

Land Court.

17. Appointment of Court.
 18. Appointment of assessors for county.
 19. Selection of assessors.
 20. Remuneration of assessors.
 21. Forms of procedure.
 22. Procedure in fixing fair rent and reasonable conditions of tenancy.
 23. Power of Land Court to take evidence and make orders as to expenses.
 24. Decision of Court final.
 25. Land Court to settle disputes except as otherwise provided.
 26. Power for Land Courts to use court houses and employ officers of county courts.
 27. Court to make report of their proceedings.
 28. Record of proceedings; transmission of applications by sheriff clerk; sheriff clerk's remuneration.
 29. Sole referee may be chosen.
 30. Avoidance of contracts inconsistent with the Act.
 31. Tenancies to which the Act does not apply.
 32. Interpretation of terms.
-

A

B I L L

TO

Amend the Relations between Landlord and Tenant as to the Terms of Tenancy and Conditions of Occupation of Land. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act and the Agricultural Holdings (England) Act, 1883, shall be construed together as one Act, and this Act may be cited as the Land Tenure (England) Act, 1895. Short title.

2. This Act shall apply only to England.

Extent of
Act.

Security of Tenure.

- 10 **3.** A tenant shall not be compelled to quit the holding of which he is tenant (save as herein-after provided) except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory obligations); that is to say,
- 15 (1.) The tenant shall pay his rent at the appointed time, or within *three months* thereafter. A tenant shall not be removed except for breach of statutory conditions.
- (2.) The tenant shall not, to the prejudice of the interest of the landlord in the holding, commit or permit persistent waste by the dilapidation of buildings or fences, ordinary wear and tear excepted, or after notice has been given by the landlord to the
- 20 tenant not to commit, or to desist from the particular waste specified in such notice by the deterioration of the soil.
- (3.) The tenant shall not commit any breach of the judicial conditions of tenancy after notice by the landlord to desist from the particular breach complained of.
- 25 (4.) The tenant shall not, without the consent of the landlord in writing, assign or underlet his holding or any part thereof, except as herein-after mentioned.

[Bill 71.]

A 2

A.D. 1895.

Agistment or the letting of land for depasturage for a period less than *a year*, the letting of land for the purpose of its being solely used, and which shall be solely used for the growing of potatoes, cabbages, beans, peas, turnips, or other green crops, the land being properly manured, or the letting of cottages 5 with or without gardens or land to labourers employed on the holding, shall not be deemed an assignment or a subletting for the purposes of this Act.

(5.) The tenant shall not do any act whereby his tenancy shall become vested in an official receiver or trustee in bankruptcy, 10 or in an assignee or trustee for the benefit of creditors.

(6.) The landlord and any person or persons authorised by him in that behalf (he or they making reasonable amends and satisfaction for any damage to be done or occasioned thereby) shall have the right to enter upon the holding for any of the 15 purposes following; (that is to say,)

Mining or taking minerals, or digging or searching for minerals :

Quarrying or taking stone, marble, gravel, sand, brick-clay, fire-clay, or slate; cutting or taking timber, save timber 20 or other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter :

Opening or making roads, fences, drains, and watercourses :

Viewing or examining at reasonable times the state of the holding, and all buildings or improvements thereon : 25

And the tenant shall not persistently obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right conferred by this subsection. All mines and minerals, coals and coal-pits, subject to such rights in respect thereof as the tenant under the contract of tenancy is 30 lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord.

Power of
resumption
by landlord.

4. The landlord may, by *twelve months* notice to quit, to expire at the same period of the year as the tenancy commenced, determine the tenancy of any holding for any of the following purposes : 35

(a.) For some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground or for the benefit of the labourers in respect of cottages, gardens, or allotments, or for the purposes of making grants or leases of sites for places 40 of religious worship, schools, dispensaries, or the residences of ministers of religion or schoolmasters.

(b.) For the provision of small holdings in accordance with any Act now in force or to be passed in the present or any future session of Parliament. A.D. 1895.

5 (c.) For the bonâ fide purpose of taking any holding, or any part thereof into his own permanent occupation, or for the bonâ fide purpose of permanently letting the same, or any part thereof, to any relative or relatives or member of the family of the landlord, being the father, mother, wife, husband, brother, sister, son, daughter, or son-in-law of the landlord.

10 Subject to the following conditions :

1. The notice to quit shall state the purpose for which the tenancy is to be determined, and the land intended to be taken ;

15 2. If the notice to quit be given for the purpose of resuming a part of the holding for any of the purposes authorised by this Act, the tenant may require the judicial conditions of tenure and rent of the remainder of the holding to be fixed ;

3. The tenant shall be entitled to compensation under the Agricultural Holdings (England) Act, 1883, and this Act, for improvements made by him or his predecessors in title on the land which shall be taken from his holding ; and

20 4. When the land is taken for any purpose other than for the provision of small holdings or for the benefit of labourers in respect of cottages, gardens, or allotments, the tenant shall be entitled to compensation from the landlord for disturbance.

25 Such compensation for disturbance shall, failing agreement with respect thereto, be fixed by the Land Court.

5.—(1.) If the notice to quit be given under the preceding section for the purpose of the landlord taking the holding or any part thereof into his own occupation, or for the purpose of the landlord letting the same or any part thereof to a relative or member of his family, and the landlord or the relative or member of the family of the landlord to whom the land shall be let shall not continue in the beneficial and bonâ fide occupation of the land so taken for *three years*, the tenant from whom such land shall have been taken, his executors, administrators, or assigns, shall be entitled to re-occupy such land, or to sell or bequeath the tenancy thereof, and the tenant, his executors, administrators, or assigns shall thereupon be entitled to occupy such land on the terms upon which the land was held by the tenant at the time when such notice to quit was given.

Landlord or his relative to occupy resumed holding for three years, otherwise tenant entitled to re-occupy or sell the tenancy of the holding.

(2.) The tenant may, by notice given not less than *two months* before the expiration of the tenancy, apply to the Land Court for a schedule of the agricultural condition and precise state of cultivation of the land to be taken.

A.D.1895. (3.) The tenant, his executors, administrators, and assigns, within
 — one month after re-occupying land under this section, may by
 notice apply to the Land Court to determine whether the land,
 owing to any act or default of the occupier or occupiers, shall
 have deteriorated in agricultural value since the date of such 5
 schedule. The Land Court shall, if the land be so deteriorated
 or improved, determine the value of such deterioration or im-
 provement, and the landlord shall pay to the tenant the value of
 any such deterioration, or the tenant shall pay to the landlord the
 value of such improvement, as the case may be. In any application 10
 under this subsection such schedule shall be evidence of the agri-
 cultural condition and state of cultivation of the land taken from
 the tenant at the date of the schedule.

(4.) If any permanent improvements shall have been made on
 such holding or part thereof, the landlord, on the tenant re-occupy- 15
 ing the same, or within *two months* thereafter, may by notice
 require a new judicial rent to be fixed.

Land Court
 may relieve
 against for-
 feiture on
 breach of
 statutory
 conditions.

6. Where a notice to quit is served by a landlord upon a tenant
 of a present or future tenancy for the purpose of compelling the
 tenant to quit his holding, in consequence of the breach by the 20
 tenant of any statutory obligation, the tenant may, at any time
 before the commencement of an ejectment founded on such notice
 to quit, apply to the Land Court for an order restraining the
 landlord from taking further proceedings to enforce such notice to
 quit. 25

(1.) If the Land Court is of opinion that adequate satisfaction
 for the breach of such obligation can be made by the payment
 of damages to the landlord, and that the tenant may
 justly be relieved from the liability to be compelled to
 quit his holding in consequence of such breach the Land 30
 Court may make an order restraining further proceedings
 on the notice to quit, upon the payment by the tenant of
 such sum for damages as they shall then, or after due inquiry,
 award to the landlord in satisfaction for the breach of the
 statutory obligation, together with the costs incurred by the 35
 landlord in respect to the notice to quit, and the proceedings
 subsequent thereto.

(2.) If the Land Court is of opinion that no appreciable damage
 has accrued to the landlord from the breach of such obliga-
 tion, and that the tenant may justly be relieved as aforesaid, 40
 they may make an order restraining further proceedings on
 the notice to quit, upon such costs as to costs as they may
 think just.

(3.) The service of a notice to quit, to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the Land Court, shall not operate to determine the tenancy. A.D. 1895.

5 *Reasonable Conditions of Tenancy and Fair Rent.*

7.—(1.) Either party to a contract of tenancy, present or future, may apply to the Land Court to fix reasonable conditions of tenancy and a fair rent to be paid by the tenant to the landlord for the holding, and thereupon the Court, after hearing the parties
10 and considering all the circumstances of the case, holding, and district, and particularly after taking into consideration any permanent or unexhausted improvements on the holding and suitable thereto which have been executed or paid for by the tenant or his predecessors, may determine what is such fair rent and what are such
15 reasonable conditions of tenancy, and pronounce and order accordingly.

Judicial conditions of tenancy and rent.

(2.) The rent fixed by the Court (in this Act referred to as the judicial rent) shall be deemed to be the rent payable by the tenant as from the period commencing at the rent day next
20 succeeding the decision of the Court, and shall come in place of the existing rent, and, save by mutual agreement, the judicial rent shall not be altered for a period of five years from such term.

(3.) Where the Land Court shall fix a rent which shall be
25 less in amount than the existing rent, the tenant shall be entitled, at the next payment of rent, to deduct from the amount of the judicial rent such sum or sums as he may have paid over and above the amount of the judicial rent in respect of the period between the date of the notice of application to fix the fair rent
30 and the date when such rent was fixed.

(4.) When an application is lodged with the Land Court to fix a fair rent and reasonable conditions of tenancy it shall be in the power of the Land Court, either under the same or under another application of the tenant, to stay all proceedings for the removal of
35 the tenant in respect of non-payment of rent till the said application is finally determined, upon such terms as to payment of rent or otherwise as they shall think fit.

(5.) The rent of any holding subject to statutory conditions of tenancy and rent may be increased in respect of capital laid out by
40 the landlord under agreement with the tenant to such an amount as may be agreed upon between the landlord and tenant and sanctioned by the said Land Court, and the landlord shall have the same

Judicial rent may be increased in respect of capital laid out by landlord.

A.D. 1895.

Damages
substituted
for penal
rents.

rights and powers to enforce the due fulfilment of such agreement as to recover payment of the rent.

(6.) If any claim is made by a landlord on a tenant, under a present or future contract of tenancy, for any penal or additional rent in respect of breach of or deviation from any condition or covenant in the contract, the claim shall be limited to the damages suffered by the landlord from any such default, and that notwithstanding any provision in the contract of tenancy. 5

Amendment of Law as to Compensation for Improvements.

Power to
refer to
Land
Court on
landlord's
refusal to
consent to
first-class
improve-
ment.

8. Whenever a tenant shall intend to execute any improvement mentioned in the first part of the First Schedule to the Agricultural Holdings (England) Act, 1883, and shall give notice in writing to the landlord or his duly authorised agent of such intention, and shall in such notice specify the particular improvement or improvements intended, and the estimated costs thereof, and the landlord or his duly authorised agent shall not, within *two months* after such notice, deliver to the tenant an assent in writing to such intended improvement or improvements, the tenant may require the matter in difference to be referred to the Land Court. If the Land Court shall be of opinion that the improvement or improvements specified in the notice will increase the productive-ness of the holding, or will enhance the value thereof, or be a suitable and a desirable improvement to the holding as an agricultural holding, the Land Court may award leave to the tenant to execute such improvement or improvements without conditions, or subject to such conditions as they may set forth in the award, and thereupon the tenant on quitting shall be entitled to compensation for the improvements which he shall, within *five years* after the date of the award, execute in pursuance of such leave in the same manner as if the landlord had duly consented to the making of such improvement or improvements. 10 15 20 25 30

Amendment
of schedule.

9. Part I. of the First Schedule to the Agricultural Holdings (England) Act, 1883, shall be read and have effect as if the following were added :

“(14*a*.) Any other improvement increasing the value of or improving the holding and not specifically mentioned in any part of this schedule.” 35

Valuation of
compensa-
tion.

10. Where any improvements are valued under the Agricultural Holdings (England) Act, 1883, with a view to compensation to be paid to a tenant, such valuation shall be made, unless the landlord and the tenant agree, by the Land Court. 40

Power of Tenant to nominate Successor or bequeath Tenancy.

A.D. 1895.

11. A tenant may nominate his successor to the tenancy,—

Tenant may
nominate his
successor to
tenancy.

5 (1.) Notice of the intended successor, giving name, address, and present occupation of such party and intended date of transfer, together with a statement of the sum agreed to be paid by one party to the other, must be given to the landlord not less than *six months* prior to the intended date of transfer.

10 (2.) The landlord shall have the right within *one month* from receipt of such notice to object to the proposed successor, and may himself re-enter into possession of the tenancy of the holding upon paying to the tenant such sum as may have been agreed to be paid by the person nominated to succeed to the tenancy.

15 (3.) In case the landlord shall doubt the bona fides of the agreement as to the amount to be paid to the outgoing tenant by his successor, he may, by giving notice to the present tenant within not less than *three months* from the proposed date of transfer, apply to the Land Court to decide whether the sum agreed upon between the tenant and his nominee is a fair and reasonable sum or not, and the Land Court shall have power to vary the amount to be paid.

20 (4.) The landlord may apply to the Land Court to determine whether the nominee of the tenant is a suitable person to enter upon the holding, due regard being had to his possession of the requisite capital for the proper working of the land, and as to his character and abilities for such occupation, and the Land Court shall have power to set aside such nomination.

30 12. A tenant may bequeath his tenancy by will, and in case of intestacy the tenancy shall devolve as personalty upon the person or persons entitled under the statutes for the distribution of the personal estate and effects of intestates to the personal estate and effects of the deceased tenant.

Power for
tenant to be-
queath tenancy
by will, and for
the admini-
strator of a
deceased
tenant to assign
to next-of-kin
without land-
lord's consent.

Leaseholders.

35 13. At the expiration of leases of holdings existing at the date of the *passing of this Act*, and which were originally granted or held for lives or a life, or for lives or a life and years, or for a term of *five years* or upwards, the lessees or sub-lessees who shall be bonâ fide in occupation of their holdings shall be deemed to be
40 tenants from year to year of the holdings at the rents and subject to the conditions of their leases or sub-leases respectively so far as

Lessees and
sub-lessees
in occupation
to be deemed
tenants from
year to year
at expiration
of leases.

A.D. 1895. such conditions may be applicable to tenancies from year to year.

Regulations as to Common Grazings, Sheep-walks, and Mountain Pastures.

Appointment
of committee.

14. The tenants in any parish or parishes who share in the same 5
common grazing, sheep-walk, or mountain pasture, may, at a public
meeting called by public notice, appoint a committee of such
number as the meeting shall think fit, not being less than three or
more than five, who shall be charged with the duty of making
regulations as to the number of stock which each tenant shall be 10
entitled to put on the common grazing, sheep-walk, or mountain
pasture, and as to any other matters affecting the fair exercise of
their joint rights therein by the several tenants.

The notice of meeting may be given by any two tenants interested
in the common grazing or other right, and the notice shall be given 15
by being published for two successive weeks in any newspaper
circulating in the parish, or by being posted for two successive
weeks at or near the door of every place of worship and every
public school in the district affected.

In the event of any dispute arising as to the sufficiency of any 20
such notice, such dispute shall be decided summarily by the Land
Court, and their decision shall be final.

The regulations so made shall be submitted to the Land Court
who shall cause reasonable notice to be given to the landlord
of the said common grazing, sheep-walk, or mountain pasture; and 25
shall hear the parties, if this be desired by any party, and make
such inquiry as they may deem necessary; and they shall, in con-
sidering the said regulations, have regard to any existing custom of
the district in the matters affected, whether founded on estate rules
or otherwise; and they may approve of the proposed regulations 30
with or without alteration, or they may refuse to approve of the
same; and, when so approved, such regulations shall come into
force and may be added to or altered by the committee from time
to time with the like approval.

Casual
vacancies.

15. Such committee shall remain in office for *three years*, and 35
at the end of every such period a new committee shall be appointed
at a public meeting, and after public notice as aforesaid. Outgoing
members shall be eligible for re-election. Vacancies occurring
by death or resignation shall be filled up by nomination of the
remaining members. A majority shall be a quorum. The said 40
committee shall appoint one of their number to act as clerk or
constable.

16. In case the tenants interested in any common grazing, sheep-walk, or mountain pasture shall at any time fail to appoint a committee, the Land Court may, on the request in writing of any two tenants interested, or the landlord or landlords, and after making such inquiry, if any, as the Court may deem necessary, appoint a committee, who shall have the same duties and powers, and remain in office for the same period, as if they had been appointed by the tenants, and in the event of such committee failing to make regulations within *three months* after their appointment, the Land Court may make such regulations themselves on the request in writing of any two tenants or of the landlord.

A.D. 1895.

On failure of tenants to appoint committee, Land Court may do so.

Land Court.

17. The Land Court under this Act shall be the county court of the district in which the holding is situated.
18. The county court judge of such court shall preside at all sittings of the court under this Act, and shall have sitting with him on all occasions (except where points of law only are to be decided) two assessors, who shall advise him on technical points.
- Such assessors shall be practical farmers, or such persons as shall have a thorough practical knowledge of farming as practised in the district.

Appointment of Court.

19. The county council for every county shall from time to time, but at not less intervals than once in each year, appoint a number of fit persons, not fewer than ten or more than thirty, to be assessors for such county, and shall forward the names of such persons to the registrars of each of the county courts in such county.

Appointment of assessors for county.

- Every district council shall from time to time, but at not less intervals than once in each year, appoint a number of fit persons, not fewer than five or more than ten, to be assessors for such district, and shall forward the names of such persons to the registrar of each of the county courts in such district.

20. The selection of the two assessors to act in any case shall rest with the registrar of the county court in which the holding the subject of dispute shall be situated, but in such selection he shall take one assessor from the county council list and one from the district council list.

Selection of assessors.

21. The assessors so selected shall receive such remuneration out of the county rate as the county court judge shall decree in each case.

Remuneration of assessors.

22. The Land Court may, subject to the approval of the Board of Agriculture, frame and issue such printed forms of

Forms of procedure.

A.D. 1895. application and other forms of procedure as they shall think proper.

It shall be in the power of the Land Court to make rules with reference to proceedings before the Court, and also, with the approval of the Treasury, to fix a scale of costs and fees to be charged in carrying the Act into execution, and the taxation of such costs and fees, and the persons by whom, and the manner in which, such costs and fees are to be paid.

Procedure in fixing fair rent and reasonable conditions of tenancy.

22. When an application is made to the Land Court to fix a fair rent and reasonable conditions of tenancy intimation thereof shall be given to the other party interested in the holding, landlord or tenant, as the case may be, and the Land Court shall appoint a time and place at which parties shall be heard in reference to the matter of the application.

It shall be competent for the assessors, by order of the Court, in case of such application, to visit the holding.

Power of Land Court to take evidence and make orders as to expenses.

23. In any application under this Act, it shall be competent to any of the parties thereto to demand, and for the Land Court to order, that the evidence shall be taken upon oath, and it shall also be competent to the Land Court to make such order as to expenses as they think fit.

Decision of Court final.

24. The decision of the Land Court in regard to any of the matters committed to their determination by this Act shall be final.

Land Court to settle disputes except as otherwise provided.

25. The Land Court shall have exclusive jurisdiction in respect of any matter or dispute arising under this Act, the mode of settlement of which is not otherwise provided for by this Act.

Power for Land Court to use county court houses and employ officers of county courts.

26. The Land Court may use, free of charge, for holding its sittings, the court houses commonly used for county court purposes or for the holding of courts of petty sessions, and the officers of the county courts shall be bound to attend the sittings of the Land Court, and to perform analogous duties to those which they perform in the case of a sitting of a county court.

Court to make report of their proceedings.

27. The Land Court shall once in every year make a report to the Board of Agriculture as to their proceedings under this Act, and every such report shall be presented to Parliament.

Record of proceedings; transmission of applications by sheriff clerk; sheriff clerk's remuneration.

28. There shall be kept in the clerk of the peace's office of the county to which this Act applies, a book to be called the "Tenant Holdings Book." In this book the clerk of the peace shall record every order of the Land Court with the application on which it proceeds, and any other proceeding in the case which the Court may think necessary to be recorded. It shall be the duty of

the Land Court to send such orders and applications to the clerk of the peace to be recorded.

A.D. 1895.

29. Where, in any proceeding under this Act, the Land Court is empowered to pronounce an order, the landlord and the tenant may agree to accept the decision of a sole referee mutually chosen instead of the decision of the Land Court, and in that case any order pronounced by such sole referee shall, when recorded in the "Tenant Holdings Book" along with the agreement to accept his decision, be as effectual to all intents and purposes as an order of the Land Court; and all regulations applicable to the Land Court, and to the orders pronounced by them, shall apply to sole referee and the orders pronounced by him.

Sole referee may be chosen.

30. Every contract, agreement, covenant, condition, or arrangement which purports to take away or modify the rights of the tenant as declared, given, and reserved to him by this Act, or which gives to such tenant any advantage in consideration of his forbearing to exercise such rights (otherwise than is permitted or provided for by this Act), or imposes upon him any disadvantage in consequence of his exercising such rights, shall be void both at law and in equity so far as it takes away or modifies his rights or gives him any advantage or disadvantage as aforesaid.

Avoidance of contracts inconsistent with the Act

31. This Act shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral, or cultivated in whole or in part as a market garden; or
- (2.) Any demesne land, or any land being or forming part of a home farm; or
- (3.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant; or
- (4.) Any letting for the purposes of temporary depasturage; or
- (5.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience, or to meet a temporary necessity, either of the landlord or tenant: Provided that any such letting made after the passing of this Act shall be by contract in writing, which shall express the purpose for which such letting is made, but such contract shall not be registered.

Tenancies to which the Act does not apply.

32. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto:

Interpretation of terms.

"Contract of tenancy" means a letting of, or agreement for the letting of, land from year to year, or for a term not exceeding five years.

A.D. 1895.

- "Agent" includes a person authorised to receive rent.
- "Tenant" means a person occupying a holding under a contract of tenancy.
- "Holding" includes all land, agricultural or pastoral, or partly agricultural and partly pastoral, or cultivated in whole or part 5 as a market garden, held by the same tenant of the same landlord for the same term under the same contract of tenancy.
- "Ejectment" includes every proceeding for the recovery of a holding or any part thereof. 10
- "Conditions of tenancy" shall mean agricultural conditions or restrictions for the purposes of securing the proper cultivation of the holding and maintaining or increasing the productiveness of the soil thereof.

Land Tenure (England).

A

B I L L

To amend the Relations between Landlord and Tenant as to the Terms of Tenancy and Conditions of Occupation of Land.

(Prepared and brought in by
Mr. William Smith, Mr. Alfred Billson,
Mr. Robert John Price, Mr. Samuel Woods,
Mr. James Rowlands, Mr. Logan, and Mr. Arch.)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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[Price 2d.]

[Bill 71.]

Land Transfer Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Compulsory Registration.

Clause.

1. Power to require registration of title on sale.

Insurance Fund and Compensation.

2. Insurance fund for providing compensation.
3. Right to compensation in certain cases.

Settled Land.

4. Settled land.

Transmission on Death.

5. Transmission of registered land.
6. Devolution of legal interest in real estate on death.
7. Provisions as to administration.
8. Provision for transfer to heir or devisee.
9. Provision as to copyholds.
10. Appropriation of land in satisfaction of legacy or share in estate.
11. Liability for duty.

Minor Amendments.

12. Provisions as to sales.
13. Conveyance not to be necessary on first registration in pursuance of contract of sale.
14. Deposit certificates.
15. Amendment of law as to registered charges for future advances.
16. Amendment of 38 & 39 Vict. c. 87. ss. 50, 51, as to notice of leases.
17. Registration of small holdings.
18. Titles registered under 25 & 26 Vict. c. 53.
19. Amendment of 38 & 39 Vict. c. 87. s. 83, as to power to alter description of land.
20. Rules and orders.
21. Meaning of land.
22. Commencement of Act.
23. Short title and construction.

SCHEDULE.

[Bill, 210.]

A

A

B I L L

INTITULED

An Act to simplify Titles and facilitate the Transfer of
Land in England.

A.D. 1895.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

Compulsory Registration.

1.—(1.) Her Majesty the Queen may, by Order in Council, declare, as respects any district defined in the Order, that, on and after a day specified in the Order, registration of title to land is to be compulsory on sale, and thereupon a person shall not, under any conveyance on sale executed on or after the day so specified, acquire the legal estate in any freehold land in the district so defined unless or until he is registered as proprietor of the land.

Power to
require
registration
of title on
sale.

(2.) In this section the expression “conveyance on sale” means an instrument executed on sale by virtue whereof there is conferred or completed, a title under which an application for registration as first proprietor of land may be made under the Land Transfer Act, 1875.

38 & 39 Vict.
c. 87.

(3.) The title with which a proprietor of freehold land is registered in pursuance of this section shall be not less than a possessory title; but nothing in this section shall prevent any person from being registered with any other title if the registrar is satisfied of his title.

(4.) It shall be lawful for Her Majesty in Council to revoke or vary any Order made under this section.

Insurance Fund and Compensation.

2.—(1.) For the purpose of providing compensation payable under this Act, there shall be established, in accordance with the

Insurance
fund for
providing
compensa-
tion.

[Bill 210.]

A 2

A.D. 1895. scheme in the Schedule to this Act, an insurance fund, to be raised out of insurance fees payable on registered transactions relating to land.

(2.) The insurance fund shall be invested in such names and manner as the Treasury from time to time direct. 5

(3.) [If the insurance fund is at any time insufficient to pay compensation for any loss chargeable thereon, the deficiency shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof; but any sum so paid out of the Consolidated Fund, or the growing produce thereof, shall be repaid out of the money subsequently standing to the credit of the insurance fund.] 10

(4.) Accounts of the fund shall be kept, and be audited as public accounts, in accordance with such regulations as the Treasury from time to time make. 15

3.—(1.) Where any error or omission is made in the register, or where any entry in the register is made or procured by or in pursuance of fraud or mistake, and the error, omission, or entry is not capable of rectification under the Land Transfer Act, 1875, any person suffering loss thereby shall be entitled to compensation in accordance with this Act. 20

(2.) Provided that the registrar may, subject to an appeal to the court, if it seems just under the special circumstances of the case, order that any land be restored to the person deprived thereof by any such error, omission, or entry, and that compensation be paid to the registered proprietor of the land. 25

(3.) A person shall not be entitled under this section to compensation for any loss where he has caused or substantially contributed to the loss by any act, neglect, or default, of himself or his agent.

(4.) The compensation paid in respect of land or a charge on land shall not exceed the capital value of the land or charge as last ascertained for the purpose of the insurance fee. 30

(5.) The registrar may, subject to an appeal to the court, determine whether a right to compensation has arisen under this section, and, if so, award compensation. 35

(6.) Where compensation is paid for a loss, the registrar, on behalf of the Crown, shall be entitled to recover the amount paid from any person who has caused or substantially contributed to the loss by any act, neglect, or default, of himself or his agent.

(7.) A claim for compensation shall not be entertained after the expiration of six years from the time when the right to compensation accrued. 40

Right to
compensa-
tion in
certain cases.
38 & 39 Vict.
c. 87.

Settled Land.

A.D. 1895.

4.—(1.) A person being tenant for life of, or having the powers of tenant for life over, settled land may be registered as proprietor of the land, subject to the following restrictions:—

Settled land.

5 (a.) That all money paid on any transfer or charge be, until further order, paid either to the trustees of the settlement (naming them), or as they may direct, or into court:

10 (b.) That, except where the sale thereof is permitted by the settlement, the principal mansion house (if any) within the meaning of section ten of the Settled Land Act, 1890, and the pleasure grounds and park and lands (if any) usually occupied therewith (which house and lands shall be distinguished by reference to a map), shall not, until further order, be transferred by the registered proprietor without the consent of the trustees of the settlement (naming them) or an order of the court.

53 & 54 Vict.
c. 69.

(2.) A person so registered shall be described in the register as a limited proprietor.

20 (3.) Where the trustees of a settlement have a power of sale over settled land, they may, with the consent of the tenant for life, be registered as proprietors of the land.

(4.) Subject to the maintenance of the right of the registered proprietor to deal by registered disposition with any land whereof he is registered as proprietor, the estates, rights, and interests of the persons for the time being entitled under any settlement comprising the land shall be unaffected by the registration of that proprietor.

30 (5.) A person in a fiduciary position may apply for, or concur in, or assent to, any registration authorised by this section, and, if he is a registered proprietor, may execute an instrument of transfer or charge in the prescribed form in favour of any person whose registration is so authorised.

(6.) Nothing in this section shall authorise the entry on the register of any reference to or notice of a settlement.

35 (7.) In this section the expressions "tenant for life," "settled land," "settlement," and "trustees of the settlement," have the same meaning as in the Settled Land Acts, 1882 to 1890.

Transmission on Death.

5. On the death of a sole registered proprietor or of the survivor of several registered proprietors of land, the personal representatives of the sole proprietor, or survivor, shall alone be recognised by the registrar as having any right in respect of the land, and

Transmis-
sion of regis-
tered land.

A.D. 1895. shall have the same powers of dealing with the land, and any registered dispositions by them shall have the same effect as if they were the registered proprietors of the land.

Provided that where land of which a person is registered as limited proprietor passes to another person on the determination of the estate of that proprietor, the person to whom the land so passes may be entered in the register as proprietor of the land, and the registrar, on his application or on that of the trustees of the settlement, if any, shall register him as proprietor accordingly.

Devolution
of legal
interest in
real estate
on death.

6.—(1.) Where real estate is vested in any person without right of survivorship to any other person, it shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time as if it were a chattel real vesting in them or him.

(2.) This section shall apply to any real estate over which a person executes by will a general power of appointment, as if it were real estate vested in him.

(3.) Probate and letters of administration may be granted in respect of real estate only, although there is no personal estate.

44 & 45 Vict.
c. 41.
57 & 58 Vict.
c. 46.

(4.) Section thirty of the Conveyancing and Law of Property Act, 1881, and section eighty-eight of the Copyhold Act, 1894, are hereby repealed without prejudice to anything done or any right acquired thereunder.

(5.) This section applies only in cases of death after the commencement of this Act.

25

Provisions as
to adminis-
tration.

7.—(1.) Subject to the powers, rights, duties, and liabilities herein-after mentioned, the personal representatives of a deceased person shall hold the real estate as trustees for the persons by law beneficially entitled thereto, and those persons shall have the same power of requiring a transfer of real estate as they have of requiring a transfer of personal estate.

(2.) All enactments and rules of law relating to the effect of probate or letters of administration as respects chattels real, and as respects the dealing with chattels real before probate or administration, and as respects the payment of costs of administration and other matters in relation to the administration of personal estate, and the powers, rights, duties, and liabilities of personal representatives in respect of personal estate, shall apply to real estate so far as the same are applicable, as if that real estate were a chattel real vesting in them or him, save that it shall not be lawful for some or one only of several joint personal representatives, without the authority of the court, to sell or transfer real estate.

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(3.) In the administration of the assets of a person dying after the commencement of this Act, his real estate shall be administered in the same manner, subject to the same liabilities for debt, costs, and expenses, and with the same incidents, as if it were personal estate; provided that nothing herein contained shall alter or affect the order in which real and personal assets respectively are now applicable in or towards the payment of funeral and testamentary expenses, debts, or legacies.

(4.) Where a deceased person leaves registered land as part of his estate, his personal representatives shall not, without the leave of the court, or of the registrar, sell the land until the expiration of thirteen months from his death, or, if at the expiration of that period any application to the court for transfer of the land to an heir or devisee is pending under this Act, then until the application has been disposed of, and an inhibition to that effect shall be entered on the register.

(5.) Where a deceased person leaves real estate, the court shall, in granting letters of administration, have regard to the rights and interests of persons interested in his real estate, and his heir-at-law, if not one of the next-of-kin, shall be equally entitled to the grant with the respect of kin, and provision shall be made by rules of court for adapting the procedure and practice in the grant of letters of administration to the case of real estate.

8.—(1.) At any time after the death of the owner of any land, his personal representatives may assent to any devise contained in his will, or may convey the land to any person entitled thereto as heir, devisee, or otherwise, and may make the assent or conveyance, either subject to a charge for the payment of any money which the personal representatives are liable to pay, or without any such charge; and on such assent or conveyance, subject to a charge for all moneys (if any) which the personal representatives are liable to pay, all liabilities of the personal representatives in respect of the land shall cease, except as to any acts done or contracts entered into by them before such assent or conveyance.

Provision
for transfer
to heir or
devisee.

(2.) At any time after the expiration of one year from the death of the owner of any land, if his personal representatives have failed on the request of the person entitled to the land to convey the land to that person, the court may, if it thinks fit, on the application of that person, and after notice to the personal representatives, order that the conveyance be made, or, in the case of registered

A.D. 1895. land, that the person so entitled be registered as proprietor of the land, either solely or jointly with the personal representatives.

(3.) Where the personal representatives of a deceased person are registered as proprietors of land on his death a fee shall not be chargeable on any transfer of the land by them unless the transfer is for valuable consideration. 5

(4.) The production of an assent by the personal representatives in the prescribed form shall authorise the registrar to register the person named in the assent as proprietor of the land.

Provision as
to copyholds.

9.—(1.) Where any real estate passing to the personal representatives of a deceased person is of copyhold tenure requiring admittance— 10

(a.) The personal representatives shall not, as such, be compellable to be admitted thereto except in the cases and at the time in which the heir of that person would but for this Act have been so compellable : 15

(b.) On the admittance of the personal representatives as such a greater fine shall not be payable than would, but for this Act, have been payable on the admittance of the heir :

(c.) The personal representatives may at any time before they have been admitted, by writing under their hands, require the lord of the manor to admit the persons beneficially entitled to the whole or any part of that real estate, and thereupon the lord shall admit those persons on payment of the fine payable on their admittance only, and no fine shall be payable in respect of the right to admittance having vested in the personal representatives : 20 25

(d.) Where the personal representatives have been admitted as such and surrender to the persons beneficially entitled under the will or on the intestacy of the deceased person, no fine shall be payable on the admittance of those persons on that surrender : 30

(e.) The personal representatives of a deceased person shall have the same right of dealing with the land before admittance, as, but for this Act, the customary heir of the deceased person would have had. 35

(2.) The foregoing provisions of this section shall apply only in cases of death after the commencement of this Act.

(3.) Where any land of copyhold tenure has before the commencement of this Act devolved on the customary heir or the devisee of a deceased person in whom the same was vested on trust 40

by way of mortgage, and that heir or devisee has not been admitted before the commencement of this Act, the right and duty to be admitted shall vest in the legal personal representatives of that deceased person.

A.D. 1895.

5 (4.) For the purposes of this Act customary freehold, in any case in which an admission or any act by the lord of the manor is necessary to perfect the title of a purchase from the customary tenant, shall be deemed to be land of copyhold and not of freehold tenure.

10 10.—(1.) The personal representatives of a deceased person may, with the consent of the person entitled to any legacy given by the deceased person or to a share in his residuary estate, or, if the person entitled is a lunatic or an infant, with the consent of his committee, trustee, or guardian, appropriate any part of the residuary estate of
 15 the deceased in or towards satisfaction of that legacy or share, and may for that purpose value in accordance with the prescribed provisions the whole or any part of the property of the deceased person in such manner as they think fit. Provided that before any such appropriation is effectual, notice of such intended appropriation
 20 shall be given to all persons interested in the residuary estate, any of whom may thereupon within the prescribed time apply to the court, and such valuation and appropriation shall be conclusive save as otherwise directed by the court.

Appropriation of land in satisfaction of legacy or share in estate.

(2.) Where any property is so appropriated a conveyance thereof
 25 by the personal representatives to the person to whom it is appropriated shall not, by reason only that the property so conveyed is accepted by the person to whom it is conveyed in or towards the satisfaction of a legacy or a share in residuary estate, be liable to ad valorem stamp duty as on purchase.

30 11. Nothing in this Act shall affect any duty payable in respect of real estate or impose on real estate any duty payable in respect of personal estate.

Liability for duty.

Minor Amendments.

35 12.—(1.) A purchaser of land whereof a proprietor is registered shall not require any evidence of title, except—

Provisions as to sales.

(i.) the evidence to be obtained from an inspection of the register or of a certified copy of, or extract from, the register ;

(ii.) a statutory declaration as to the existence, or otherwise, of matters which are declared by section eighteen of the Land
 40 Transfer Act, 1875, not to be incumbrances;

38 & 39 Vict.
c. 87.

[210.]

B

A.D. 1895.

(iii.) if the proprietor of the land is registered with an absolute title, and the sale is subject to the incumbrances entered on the register as subsisting at the first registration, evidence as to the state of those incumbrances;

(iv.) if the proprietor of the land is registered with a possessory title, such evidence of the title subsisting at the first registration of the land as the purchaser would be entitled to if there were no registered proprietor of the land.

(2.) Where the vendor of land whereof a proprietor is registered is not himself registered as proprietor of the land or of a charge giving a power of sale over the land, he shall, at the request of the purchaser and at his own expense, and notwithstanding any stipulation to the contrary, either register himself as proprietor of the land or of the charge, as the case may be, or procure a transfer from the registered proprietor to the purchaser.

15

Conveyance
not to be
necessary on
first regis-
tration in
pursuance of
contract of
sale.

13. On the registration of any person as first proprietor of land in pursuance of a contract of sale, the execution of a deed shall not be necessary, and an entry of the person entitled as proprietor of the land shall have the same effect as a conveyance to him by deed for valuable consideration, and (subject to any agreement to the contrary) by a person who conveys and is expressed to convey as beneficial owner.

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Deposit
certificates.

14.—(1.) On application by the registered proprietor of any land or charge, and on production of the land certificate, or office copy lease, or charge certificate, if any, or in substitution for a land certificate, the registrar shall issue to the proprietor a deposit certificate.

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(2.) A deposit certificate shall be under the seal of the office, and may relate to the whole or a part of the land comprised in a title, and shall contain the same particulars as a land certificate, office copy lease, or certificate of charge in respect of the land or charge to which it relates.

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(3.) As long as a deposit certificate is outstanding, it shall be produced to the registrar on every entry in the register of a dealing by the registered proprietor of the land or charge to which it relates, and a note of every such entry shall be officially endorsed on the certificate.

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(4.) A deposit certificate, and the endorsements so made, shall be as conclusive as the register itself with reference to the land or charge to which the certificate relates, and the deposit of a deposit

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certificate shall, for the purpose of giving a security over the land or charge to which it relates, be equivalent to a deposit of the title deeds. A.D. 1895.

(5.) So long as a deposit certificate is outstanding no lien shall be created under section eighty-one of the Land Transfer Act, 1875, on the land to which the deposit certificate relates by the deposit of a land certificate or office copy lease. 38 & 39 Vict. c. 87.

(6.) A note of the issue of a deposit certificate shall be made on the register, and also on the land certificate or office copy lease, or certificate of charge (if any), unless such certificate or office copy is left in the registry whilst the deposit certificate is outstanding.

(7.) The registrar may, if he think fit, endorse an existing land certificate, or office copy lease, or certificate of charge as a deposit certificate.

(8.) On delivery up of a deposit certificate the registrar may cancel the same and the notes of its issue.

(9.) Where the deposit certificate is not produced on the ground that it has been lost or destroyed the registrar, if satisfied of such loss or destruction by statutory declaration and such other evidence (if any), as he may think necessary, and after such notice (if any) has been given as he may think fit to direct, may treat the certificate as cancelled.

15. Where a charge is registered for securing an account current or future advances or payments, whether with or without present advances, the registered proprietor of the charge shall, subject to any entry to the contrary on the register, be entitled, in priority to any subsequent charge, to the payment due to him in respect of the account, advances, or payments up to the limit, if any, mentioned in the charge, and if there is no such limit up to the sum covered by the Inland Revenue duty paid on the charge. Amendment of law as to registered charges for future advances.

16. Sections fifty and fifty-one of the Land Transfer Act, 1875, (which relate to notice of leases), shall apply in the case of any such lease or agreement as therein mentioned, whether the lease or agreement is made before or after the last transfer or any transfer of the land on the register. Amendment of 38 & 39 Vict. c. 87. ss. 50, 51, as to notice of leases.

17.—(1.) Where a county council apply in pursuance of section ten of the Small Holdings Act, 1892, for registration as proprietors of land, they may be registered as proprietors of that land, with any such title as is authorised by the Land Transfer Act, 1875. Registration of small holdings. 55 & 56 Vict. c. 31.

(2.) Where a county council, after having been so registered, transfer any such land to a purchaser of a small holding, the purchaser shall be registered as proprietor of the land with an absolute

A.D. 1895. title, subject only to such incumbrances as may be created under the Small Holdings Act, 1892, and in any such case the remedy of any person claiming by title paramount to the county council in respect either of title or incumbrances shall be in damages only, and such damages shall be recoverable against the county council. 5

Titles registered under 25 & 26 Vict. c. 53.

18. On the registration of any conveyance, disposition, or transmission (not by way of mortgage) passing an estate in fee simple in land registered under the Land Registry Act, 1862, the title shall, notwithstanding anything in section one hundred and twenty-six of the Land Transfer Act, 1875, be transferred without further fee to the register kept under the last-mentioned Act. 10

Amendment of 38 & 39 Vict. c. 87. s. 83, as to power to alter description of land.

Rules and orders.

19. The power given to the court by section eighty-three of the Land Transfer Act, 1875, to alter the registered description of land may be exercised by the registrar subject to an appeal to the court.

20.—(1.) Provision may be made by general rules under section one hundred and eleven of the Land Transfer Act, 1875, for carrying this Act into effect, and in particular for the following purposes:— 15

(a.) For carrying out the provisions of this Act with respect to compulsory registration; 20

(b.) For adapting to the registration of proprietors of leasehold land the provisions of the Land Transfer Act, 1875, as to absolute and possessory titles, and as to land certificates;

(c.) For modifying the provisions of the Land Transfer Act, 1875, as to the registration of proprietors of leasehold land; 25

(d.) For applying to the grant of leases and dealings with leasehold land, the provisions of this Act with respect to compulsory registration; and

(e.) For regulating any such matters as are authorised by this Act to be prescribed. 30

(2.) Provided that nothing in the rules under the said section shall extend to allow the inspection of any entry in the register with respect to land, except by or under the authority of some person interested in the land or charge to which the entry refers.

(3.) Provision may be made by general orders under section one hundred and eighteen of the Land Transfer Act, 1875, for modifying the provisions of that Act with respect to the formation and constitution of district registries, [and for providing the mode in which district registrars are to be remunerated] but nothing in any such order shall affect the provisions as to qualification contained in section one hundred and nineteen of the Land Transfer Act, 1875. 40

21.—(1.) All hereditaments, corporeal and incorporeal, shall be deemed land within the meaning of the Land Transfer Act, 1875, and this Act, except that nothing in this Act shall render compulsory the registration of title to an incorporeal hereditament. A.D. 1895.
Meaning of
land.

5 (2.) In this Act the expression “personal representatives” means an executor or administrator.

22. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six. Commence-
ment of Act.

23. This Act may be cited as the Land Transfer Act, 1895, and shall be construed as one with the Land Transfer Act, 1875, and that Act and this Act may be cited together as the Land Transfer Acts, 1875 and 1895. Short title
and con-
struction.

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A.D. 1895.

SCHEDULE.

SCHEME FOR INSURANCE FUND.

1. For the purpose of raising an insurance fund to provide the compensations payable in pursuance of this Act, the following insurance fees shall be paid, namely :—

On first registration with an absolute or qualified title.	Such fee as may be prescribed, not exceeding one farthing in the pound on the capital value of the land.	5
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On the transfer of registered land for valuable consideration,	Such fee as may be prescribed, not exceeding one farthing in the pound on the capital value of the land.	10
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On the creation for valuable consideration of a charge on registered land.	Such fee as may be prescribed, not exceeding one farthing in the pound on the capital value of the charge.	15
On the transfer for valuable consideration of a charge on registered land.		

Provided as follows :—

(a.) Where a transfer for valuable consideration is made within three months after the registration of a proprietor with an absolute or qualified title, no insurance fee shall be payable on the transfer :

(b.) For the purposes of this schedule a marriage or other family arrangement shall not be deemed valuable consideration.

2. Any proprietor of land may, on the prescribed conditions, increase the amount of his insurance to correspond with any increase in the value of his land that may take place from time to time.

3. Capital value shall be taken, in the case of a purchase at the amount of the purchase money, in the case of a charge for a capital sum at the amount of that sum, and in any other case at the value ascertained in the prescribed manner.

Land Transfer. [H.L.]

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B I L L

INTRODUCED

An Act to simplify Titles and facilitate
the Transfer of Land in England.

(*Brought from the Lords 9 April 1895.*)

*Ordered, by The House of Commons, to be Printed,
23 April 1895.*

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[Bill 210.]

Land Values (Taxation by Local Authorities) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Limits of Act.
3. Interpretation :—
 - “ Local rate.”
 - “ Rateable value.”
 - “ Land value.”
 - “ Land value rate.”
 - “ House ” and “ markets.”
 - “ Vacant land.”
4. Houses and vacant land to be rateable in respect of “ land value.”
5. Rules for ascertaining “ land value.”
6. Local rates to be leviable upon “ land values.”
7. Overseers and assessment committees to insert land values in a separate column in the valuation list.
8. Amount of land value rate to be deducted from present rateable value in valuation list.
9. Unoccupied premises to be liable to local rate and to land value rate.
10. As to collection of land value rate and form of demand note.
11. Occupier to deduct land value rate from rent payable.
12. Landlords to allow deduction of land value rate.
13. Avoidance of agreements inconsistent with Act.
14. Saving.

A

B I L L

TO

Provide for the Taxation of Land Values by Local Authorities.

A.D. 1895.

WHEREAS it is expedient for the purpose of separate and direct assessment and contribution to local and other rates in boroughs subject to the Municipal Corporation Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888, to exclude from the net rateable value of certain hereditaments in this Act mentioned, and which are now subject to local and other rates, so much thereof as represents the land value as defined in this Act, and to extend to such land value and to vacant land as hereafter defined liability to direct contribution to local and other rates, and also to extend the Act of the forty-third of the reign of Queen Elizabeth, chapter two, entitled "An Act for the Relief of the Poor," and the Acts amending the same, and the Valuation (Metropolis) Act, 1869, and Acts amending the same (all which Act or Acts are in this Act referred to as the Poor Rate Acts), so as to render liable to the payment of rates for the relief of the poor and to other local rate premises which may be empty, untenanted, or unoccupied, and which are now exempt:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Land Values (Towns) Assessment Act, 1895.

2. This Act shall not apply to Scotland or Ireland, or to hereditaments other than and except those in boroughs subject to the Municipal Corporations Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888.

Limits of Act.

[Bill 141.]

A

A.D. 1895.

Interpreta-
tion.**3.** In this Act, unless the context otherwise requires—

The term “local rate” means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of poundage assessment of the value of property and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The term “net rateable value” has the same meaning as is defined in the Act six and seven William the Fourth, chapter ninety-six, and the Acts amending the same, and as regards hereditaments in the administrative county of London the same meaning as rateable value mentioned in the Valuation (Metropolis) Act, 1869, and the Acts amending the same.

The term “land value” means the amount at which hereditament shall be assessed under this Act.

The term “land value rate” means the total amount of rate from time to time assessed upon or leviable in respect of the “land value” and comprised in any demand note.

The term “house” has the same meaning and definition as “house” in the ninety-second section of the Lands Clauses Consolidation Act, 1845.

The term “markets” has the same meaning and include only such markets and franchises as are now assessable under the Poor Rate Acts.

“Valuation list” means, as regards any parish or place for which there is no valuation list, the poors rates.

The term “assessment committee” means in relation to any parish or place where there is no assessment committee persons having power to make and assess the poor rate in such parish or place.

The term “vacant land” means and comprises—

(a.) Land (other than such land and premises hereafter excepted) situate in a county borough, municipal borough, or within the administrative county of London, and all such land shall, for the purposes of this Act, be deemed to be land contemplated or intended or suitable to be used for building purposes.

There shall be excepted from such definitions of vacant land— A.D. 1895.

- (a.) The area of land comprised within the term house, as in this Act defined, and which is liable to be rated under this Act in respect of land value ;
- 5 (b.) Land on which buildings exist, which are exempted under this Act from liability to rate in respect of land value ;
- (c.) Land used or occupied for any of the purposes exempt from rateability in respect of land value under this Act ;
- 10 (d.) Land which shall be in actual use at the date of the valuation as orchard, market garden, hop, herb, flower, fruit, or nursery ground.

4. Hereditaments which comprise "houses" and "vacant land" respectively, as in this Act defined, shall be rateable under this Act in respect of "land value," but the provisions of this Act shall not
- 15 extend or render liable to assessment under this Act, or in any way alter, modify, or affect the liability to local rate of lunatic asylums, police stations, gaols, and premises occupied in connexion therewith, public infirmaries, hospitals, workhouses, public schools, places of religious worship, chapels, drill halls, ragged schools, Sunday
- 20 schools, scientific and literary societies and other public buildings, or of any railway, canal, dock, gas or water works, cemeteries, or places which have been, or are, used for burial grounds, or open spaces held and enjoyed by the public under the Open Spaces Act, 1887, or under or by the permission of any municipal or local
- 25 authority, or places not now rateable to the poor, or under or by virtue of any Act or Acts relating to parks and open spaces in or enjoyed by the public of the administrative county of London.

5. Land value shall be estimated and ascertained according to
- 30 the following scale :—
- As regards houses as defined in this Act—

- (a.) Where the same are leased by a freeholder for a term of years of which there shall be more than *six years* unexpired out of a term, created prior to the *passing of this Act*, for not
- 35 less than *sixty years*, and the circumstances are such that the whole area of the site cannot be built upon in consequence of such value, the land value shall be the annual ground rent which at the time of the valuation might be reasonably obtained for a term of not less than *sixty years*
- 40 for the area of land comprised within the term house in this Act defined, with the restriction that no greater area of land than that covered with actual buildings at the date of the

A.D. 1895.

valuation is to be rebuilt upon; but as if in all other respects the area of land comprised in the term house were a clear and unimproved site of building land, such annual ground not being in any event less than *four* per centum on the capital value of the area of land so to be comprised in 5 such ground rent, subject to such restrictions as aforesaid.

(b.) As regards all other houses as in this Act defined the land value shall be the annual ground rent which at the time of the value might be reasonably obtained for a term of not less than *sixty years* for the area of land comprised in the 10 term house as in this Act defined, as if the same were a clear and unimproved site of land and as if no buildings existed thereon, such annual ground rent not being less than *four* per centum on the capital value of the land comprised in such house. 15

As regards vacant land as defined in this Act—

(c.) The same shall for the purposes of this Act be deemed to be land contemplated, or intended, or suitable to be used for building purposes, and the land value shall be the annual ground rent, which at the time of the valuation having 20 regard to such user might be reasonably obtained for a term of not less than *sixty years* for the area of the land as if the same were a clear and unimproved site of land, such annual ground rent not being less than *four* per centum on the capital value of such land so declared to be suitable for building 25 purposes.

Local rates to be leviable upon "land values."

6. From and after the *first day of April one thousand eight hundred and ninety-six* local rate shall extend to and be leviable upon the land values as defined in this Act in like manner as if they were hereditaments now liable to local rate, and as if they 30 had been included in the several Acts relating thereto as being liable to assessment, and all rate or rates so from time to time leviable or which may hereafter be raised or levied thereon shall be designated "land value rate."

Overseers and assessment committees to insert land values in a separate column in the valuation list.

7. Overseers and assessment committees shall, in making out the 35 next valuation list or supplemental valuation after the *passing of this Act*, include or add and assess against every hereditament appearing in such list, and every hereditament which under the provisions of this Act is made liable to assessment to land value, the amount of land value respectively at which the same is assessable 40 under this Act, and such land value shall be entered in separate columns or schedule in such list, and appear separately therein

under the heading or title of "land value," and the overseers, assessment committees, and other persons or bodies now liable or authorised to make or alter totals either gross or rateable of, or in any list relating to, the assessments under the Poor Rate Acts shall
 5 cause totals of the land values to be ascertained and included in or added to any valuation list to be made or returned by any overseer or assessment committee under the Poor Rate Acts.

A.D. 1895.

8. There shall be deducted from the net annual value or rateable value under the Poor Rate Acts, and which but for this Act
 10 would otherwise appear in the valuation list or assessments under the Poor Rate Acts, the whole or so much of the amount of such annual value or rateable value as may be equal to the total amount set forth against each such hereditament under the provisions of this Act as being the land value, and the amount
 15 of the annual value and rateable value ascertained after such deductions shall have been made shall be inserted in all valuation and other lists under the Poor Rate Acts, in the place of and be in substitution for all purposes as regards assessment to local rate as the net annual value or net rateable value which but for
 20 this Act would otherwise appear therein.

Amount of land value rate to be deducted from present rateable value in valuation list.

9. If it shall happen that any house as in this Act defined shall at the time of making local rate or land value rate be empty, untenanted, or unoccupied, the same shall not be thereby exempt from local rate or land value rate, and the same
 25 and any rate imposed under or in consequence of this Act shall be payable by the owner as if he were the occupier thereof, and be charged on the said premises and recoverable in the same way and to the same extent as if the owner were the occupier, and in the event of the same remaining due and unpaid at the
 30 commencement of a new tenancy or occupation the local rate or land value rate then due and unpaid shall be payable on demand by the first tenant or occupier thereof, and he shall and may and is hereby authorised to deduct and retain the same out of any rent payable by him in respect of the premises, and
 35 such payment shall be and operate as a release and discharge of the tenant or occupier of and for so much of his rent as the rate or rates paid by him shall amount unto, any contract or provision to the contrary notwithstanding.

Unoccupied premises to be liable to local rate and to land value rate.

10. With respect to the collection of land value rate, the following provisions shall have effect:—
 40 The same shall be collected in the same manner as local rate is now collectible.

As to collection of land value rate and form of demand note.

A.D. 1895. The amount leviable as land value rate in respect of each hereditament shall be stated on the demand note, and shall be payable, in the first instance, by the occupier, and such demand note shall notify and state the total amount of the land value rate payable in respect of the land value rate, and that the occupier is authorised 5 and entitled to deduct from any rent or payment payable by the occupier the land value rate, or such portion thereof as is deductible under the provisions of this Act, and the twelfth and thirteenth sections of this Act relating thereto shall be printed on each demand note. 10

Occupier to deduct land value rate from rent payable.

11. Where an occupier of rateable property is liable to pay a rent in respect thereof he shall, in the first instance, pay the total amount levied or assessed in respect of the land value rate, and he shall, subject to the rule hereafter mentioned, be entitled to deduct from such rent the amount paid for land value rate, and where a 15 person entitled to receive a rent in respect of the same premises is also liable to pay rent therefor, he shall, subject to the rule hereafter mentioned, deduct the total sum paid for such land value rate from the rent which he is liable to pay to his landlord, and so on in succession with respect to every land value rate payable to any 20 landlord.

Provided that in case any rent so to be paid as aforesaid shall not amount to the total of the land value, then the following rule as regards the deduction of land value rate shall apply, that is to say:—

The amount to be deducted from the rent shall bear such propor- 25 tion to the total amount of land value rate mentioned in the demand note as the land value at which the hereditaments may be assessed bears to the rent to be paid.

Landlords to allow deduction of land value rate.

12. All persons or corporations entitled to receive rent in respect of hereditaments, and their representatives and assigns according to 30 their interests, shall allow the deduction in respect of the amount of land value rate as authorised and directed by this Act on receipt of the residue of the respective rents which they are entitled to receive, and the occupier or other person liable to pay rent in respect of any such hereditament shall, by virtue of such deduction, be discharged 35 of an equivalent amount of rent as if the same had been actually paid by him to the person entitled to receive such rent.

Avoidance of agreements inconsistent with Act.

13. The land value rate, assessed upon the hereditaments under this Act, shall be a charge and incumbrance upon the freehold of the hereditaments in respect of which it is made, and shall not be a 40 rate, tax-charge, imposition, assessment, or outgoing payable by a tenant or occupier within the meaning of any existing covenant

or agreement to pay rates, taxes, charges, impositions, assessment, or outgoings in respect of any hereditaments the subject of such contract or agreement, and any deed, agreement, covenant, or contract made after the *passing of this Act*, purporting to deprive, or which would
5 have the effect of depriving, any tenant or other person of his right under this Act to deduct any land value rate, or such portion as he is entitled to deduct under this Act from the amount of his rent, or purporting to provide for the cancellation or alterations of the terms of any tenancy in the event of such a rate being imposed
10 as is authorised by this Act, or lending otherwise to defeat the intention of this Act, shall, so far as it purports to have or might have that effect be void.

14. Nothing in this Act shall alter or affect, otherwise than is Saving.
expressly altered or affected, any Act or Acts in force for the time.
15 being relating to parochial assessments in boroughs or places within the limits of this Act or the Valuation (Metropolis) Act, 1869, relating to the metropolis.

Land Values (Taxation by Local Authorities).

A

B I L L

To provide for the Taxation of Land
Values by Local Authorities.

(*Prepared and brought in by*
Mr. Naorofi, Mr. Lough, Mr. James Stuart,
Mr. James Rowlands, Mr. Benn, and Mr. Irye.)

Ordered, by The House of Commons, to be Printed,
26 February 1895.

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90, West Nile Street, Glasgow; or
HODGES, FERGUS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1½d.*]

[Bill 141.]

Land Values (Taxation by Local Authorities) (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Limits of Act.
 3. Interpretation :—
 - “ Local rate.”
 - “ Rateable value.”
 - “ Land value.”
 - “ Land value rate.”
 - “ House ” and “ markets.”
 - “ Vacant land.”
 4. Houses and vacant land to be rateable in respect of “ land value.”
 5. Rules for ascertaining “ land value.”
 6. Local rates to be leviable upon “ land values.”
 7. Overseers and assessment committees to insert land values in a separate column in the valuation list.
 8. Amount of land value rate to be deducted from present rateable value in valuation list.
 9. Unoccupied premises to be liable to local rate and to land value rate.
 10. As to collection of land value rate and form of demand note.
 11. Occupier to deduct land value rate from rent payable.
 12. Landlords to allow deduction of land value rate.
 13. Avoidance of agreements inconsistent with Act.
 14. Saving.
-

A

B I L L

TO

Provide for the Taxation of Land Values by Local
Authorities.

A.D. 1895.
—

WHEREAS it is expedient for the purpose of separate and direct assessment and contribution to local and other rates in boroughs subject to the Municipal Corporation Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888, to exclude from the net rateable value of certain hereditaments in this Act mentioned, and which are now subject to local and other rates, so much thereof as represents the land value as defined in this Act, and to extend to such land value and to vacant land as hereafter defined liability to direct contribution to local and other rates, and also to extend the Act of the forty-third of the reign of Queen Elizabeth, chapter two, entitled "An Act for the Relief of the Poor," and the Acts amending the same, and the Valuation (Metropolis) Act, 1869, and Acts amending the same (all which Act or Acts are in this Act referred to as the Poor Rate Acts), so as to render liable to the payment of rates for the relief of the poor and to other local rate premises which may be empty, untenanted, or unoccupied, and which are now exempt:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Land Values (Towns) Assessment Act, 1895. Short title.

25 2. This Act shall not apply to Scotland or Ireland, or to hereditaments other than and except those in boroughs subject to the Municipal Corporations Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888. Limits of Act.

[Bill 167.]

A

A.D. 1895.

Interpreta-
tion.

3. In this Act, unless the context otherwise requires—

The term “local rate” means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor and every rate the proceeds of which are applicable to public local purposes, and which is 5 leviable on the basis of poundage assessment of the value of property and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined. 10

The term “net rateable value” has the same meaning as is defined in the Act six and seven William the Fourth, chapter ninety-six, and the Acts amending the same, and as regards hereditaments in the administrative county of London the same meaning as rateable value mentioned in the Valuation (Metropolis) Act, 15 1869, and the Acts amending the same.

The term “land value” means the amount at which hereditament shall be assessed under this Act.

The term “land value rate” means the total amount of rate from time to time assessed upon or leviable in respect of the 20 “land value” and comprised in any demand note.

The term “house” has the same meaning and definition as “house” in the ninety-second section of the Lands Clauses Consolidation Act, 1845.

The term “markets” has the same meaning and include only 25 such markets and franchises as are now assessable under the Poor Rate Acts.

“Valuation list” means, as regards any parish or place for which there is no valuation list, the poor rates.

The term “assessment committee” means in relation to any 30 parish or place where there is no assessment committee persons having power to make and assess the poor rate in such parish or place.

The term “vacant land” means and comprises—

(a.) Land (other than such land and premises hereafter ex- 35 cepted) situate in a county borough, municipal borough, or within the administrative county of London, and all such land shall, for the purposes of this Act, be deemed to be land contemplated or intended or suitable to be used for building purposes. 40

There shall be excepted from such definitions of vacant land— A.D. 1895.

(a.) The area of land comprised within the term house, as in this Act defined, and which is liable to be rated under this Act in respect of land value ;

5 (b.) Land on which buildings exist, which are exempted under this Act from liability to rate in respect of land value ;

(c.) Land used or occupied for any of the purposes exempt from rateability in respect of land value under this Act ;

10 (d.) Land which shall be in actual use at the date of the valuation as orchard, market garden, hop, herb, flower, fruit, or nursery ground.

4. Hereditaments which comprise "houses" and "vacant land" respectively, as in this Act defined, shall be rateable under this Act in respect of "land value," but the provisions of this Act shall not
 15 extend or render liable to assessment under this Act, or in any way alter, modify, or affect the liability to local rate of lunatic asylums, police stations, gaols, and premises occupied in connexion therewith, public infirmaries, hospitals, workhouses, public schools, places of religious worship, chapels, drill halls, ragged schools, Sunday
 20 schools, scientific and literary societies and other public buildings, or of any railway, canal, dock, gas or water works, cemeteries, or places which have been, or are, used for burial grounds, or open spaces held and enjoyed by the public under the Open Spaces Act, 1887, or under or by the permission of any municipal or local
 25 authority, or places not now rateable to the poor, or under or by virtue of any Act or Acts relating to parks and open spaces in or enjoyed by the public of the administrative county of London.

5. Land value shall be estimated and ascertained according to
 30 the following scale :—

As regards houses as defined in this Act—

(a.) Where the same are leased by a freeholder for a term of years of which there shall be more than *six years* unexpired out of a term, created prior to the *passing of this Act*, for not
 35 less than *sixty years*, and the circumstances are such that the whole area of the site cannot be built upon in consequence of such value, the land value shall be the annual ground rent which at the time of the valuation might be reasonably obtained for a term of not less than *sixty years*
 40 for the area of land comprised within the term house in this Act defined, with the restriction that no greater area of land than that covered with actual buildings at the date of the

A.D. 1895.

valuation is to be rebuilt upon, but as if in all other respects the area of land comprised in the term house were a clear and unimproved site of building land, such annual ground not being in any event less than *four* per centum on the capital value of the area of land so to be comprised in such ground rent, subject to such restrictions as aforesaid. 5

(b.) As regards all other houses as in this Act defined the land value shall be the annual ground rent which at the time of the value might be reasonably obtained for a term of not less than *sixty years* for the area of land comprised in the term house as in this Act defined, as if the same were a clear and unimproved site of land and as if no buildings existed thereon, such annual ground rent not being less than *four* per centum on the capital value of the land comprised in such house. 10 15

As regards vacant land as defined in this Act—

(c.) The same shall for the purposes of this Act be deemed to be land contemplated, or intended, or suitable to be used for building purposes, and the land value shall be the annual ground rent, which at the time of the valuation having regard to such user might be reasonably obtained for a term of not less than *sixty years* for the area of the land as if the same were a clear and unimproved site of land, such annual ground rent not being less than *four* per centum on the capital value of such land so declared to be suitable for building purposes. 20 25

Local rates to be leviable upon "land values."

6. From and after the *first day of April one thousand eight hundred and ninety-six* local rate shall extend to and be leviable upon the land values as defined in this Act in like manner as if they were hereditaments now liable to local rate, and as if they had been included in the several Acts relating thereto as being liable to assessment, and all rate or rates so from time to time leviable or which may hereafter be raised or levied thereon shall be designated "land value rate." 30

Overseers and assessment committees to insert land values in a separate column in the valuation list.

7. Overseers and assessment committees shall, in making out the next valuation list or supplemental valuation after the *passing of this Act*, include or add and assess against every hereditament appearing in such list, and every hereditament which under the provisions of this Act is made liable to assessment to land value, the amount of land value respectively at which the same is assessable under this Act, and such land value shall be entered in separate columns or schedule in such list, and appear separately therein 35 40

under the heading or title of "land value," and the overseers, assessment committees, and other persons or bodies now liable or authorised to make or alter totals either gross or rateable of, or in any list relating to, the assessments under the Poor Rate Acts shall
 5 cause totals of the land values to be ascertained and included in or added to any valuation list to be made or returned by any overseer or assessment committee under the Poor Rate Acts. A.D. 1895.

8. There shall be deducted from the net annual value or rateable value under the Poor Rate Acts, and which but for this Act
 10 would otherwise appear in the valuation list or assessments under the Poor Rate Acts, the whole or so much of the amount of such annual value or rateable value as may be equal to the total amount set forth against each such hereditament under the provisions of this Act as being the land value, and the amount
 15 of the annual value and rateable value ascertained after such deductions shall have been made shall be inserted in all valuation and other lists under the Poor Rate Acts, in the place of and be in substitution for all purposes as regards assessment to local rate as the net annual value or net rateable value which but for
 20 this Act would otherwise appear therein.

9. If it shall happen that any house as in this Act defined shall at the time of making local rate or land value rate be empty, untenanted, or unoccupied, the same shall not be thereby exempt from local rate or land value rate, and the same
 25 and any rate imposed under or in consequence of this Act shall be payable by the owner as if he were the occupier thereof, and be charged on the said premises and recoverable in the same way and to the same extent as if the owner were the occupier, and in the event of the same remaining due and unpaid at the
 30 commencement of a new tenancy or occupation the local rate or land value rate then due and unpaid shall be payable on demand by the first tenant or occupier thereof, and he shall and may and is hereby authorised to deduct and retain the same out of any rent payable by him in respect of the premises, and
 35 such payment shall be and operate as a release and discharge of the tenant or occupier of and for so much of his rent as the rate or rates paid by him shall amount unto, any contract or provision to the contrary notwithstanding.

10. With respect to the collection of land value rate, the following provisions shall have effect:—
 40 The same shall be collected in the same manner as local rate is now collectible.

Amount of land value rate to be deducted from present rateable value in valuation list.

Unoccupied premises to be liable to local rate and to land value rate.

As to collection of land value rate and form of demand note.

A.D. 1895.

The amount leviable as land value rate in respect of each hereditament shall be stated on the demand note, and shall be payable, in the first instance, by the occupier, and such demand note shall notify and state the total amount of the land value rate payable in respect of the land value rate, and that the occupier is authorised 5 and entitled to deduct from any rent or payment payable by the occupier the land value rate, or such portion thereof as is deductible under the provisions of this Act, and the twelfth and thirteenth sections of this Act relating thereto shall be printed on each demand note. 10

Occupier to deduct land value rate from rent payable.

11. Where an occupier of rateable property is liable to pay a rent in respect thereof he shall, in the first instance, pay the total amount levied or assessed in respect of the land value rate, and he shall, subject to the rule hereafter mentioned, be entitled to deduct from such rent the amount paid for land value rate, and where a 15 person entitled to receive a rent in respect of the same premises is also liable to pay rent therefor, he shall, subject to the rule hereafter mentioned, deduct the total sum paid for such land value rate from the rent which he is liable to pay to his landlord, and so on in succession with respect to every land value rate payable to any 20 landlord.

Provided that in case any rent so to be paid as aforesaid shall not amount to the total of the land value, then the following rule as regards the deduction of land value rate shall apply, that is to say:—

The amount to be deducted from the rent shall bear such proportion 25 to the total amount of land value rate mentioned in the demand note as the land value at which the hereditaments may be assessed bears to the rent to be paid.

Landlords to allow deduction of land value rate.

12. All persons or corporations entitled to receive rent in respect of hereditaments, and their representatives and assigns according to 30 their interests, shall allow the deduction in respect of the amount of land value rate as authorised and directed by this Act on receipt of the residue of the respective rents which they are entitled to receive, and the occupier or other person liable to pay rent in respect of any such hereditament shall, by virtue of such deduction, be discharged 35 of an equivalent amount of rent as if the same had been actually paid by him to the person entitled to receive such rent.

Avoidance of agreements inconsistent with Act.

13. The land value rate, assessed upon the hereditaments under this Act, shall be a charge and incumbrance upon the freehold of the hereditaments in respect of which it is made, and shall not be a 40 rate, tax-charge, imposition, assessment, or outgoing payable by a tenant or occupier within the meaning of any existing covenant

or agreement to pay rates, taxes, charges, impositions, assessment, or outgoings in respect of any hereditaments the subject of such contract or agreement, and any deed, agreement, covenant, or contract made after the *passing of this Act*, purporting to deprive, or which would
5 have the effect of depriving, any tenant or other person of his right under this Act to deduct any land value rate, or such portions as he is entitled to deduct under this Act from the amount of his rent, or purporting to provide for the cancellation or alterations of the terms of any tenancy in the event of such a rate being imposed
10 as is authorised by this Act, or lending otherwise to defeat the intention of this Act, shall, so far as it purports to have or might have that effect be void.

A.D. 1895.

14. Nothing in this Act shall alter or affect, otherwise than is expressly altered or affected, any Act or Acts in force for the time
15 being relating to parochial assessments in boroughs or places within the limits of this Act or the Valuation (Metropolis) Act, 1869, relating to the metropolis. Saving.

Land Values (Taxation by Local Authorities) (No. 2).

A

B I L L

To provide for the Taxation of Land
Values by Local Authorities.

(*Prepared and brought in by*
Mr. Naoroji, Mr. Lough, Mr. James Stuart,
Mr. James Rowlands, Mr. Benn, and Mr. Frye.)

Ordered, by The House of Commons, to be Printed,
12 March 1895.

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[*Price 1½d.*]

[Bill 167.]

Lands Clauses (Taxation of Costs) Bill. [H.L.]

MEMORANDUM.

At present there is a difference between the systems for the payment of fees for taxing costs of—

(1) inquiries before a sheriff and jury as to disputed compensation under the Lands Clauses Acts ; and

(2) arbitrations under those Acts.

The object of this Bill is to assimilate the two systems by making the fees in the former case, as in the latter, payable by stamps, and not in cash.

A

B I L L

INTITULED

An Act to amend the Law relating to the Taxation of Costs under the Lands Clauses Acts. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.**—(1.) Where under the Lands Clauses Consolidation Act, 1845, or any Act incorporating the same, any question of disputed compensation is determined by the verdict of a jury, or by arbitration, the costs of and incidental to the inquiry or to the arbitration and award (as the case may be), shall, if either
- 10 party so requires, be taxed and settled as between the parties by one of the masters of the Supreme Court, and such fees shall be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be taken in the offices of those masters; and all those enactments (including the enactments
- 15 relating to the taking of fees by means of stamps) shall extend to the fees in respect of such taxation.
- (2.) Section forty-five of the Regulation of Railways Act, 1868, and section one of the Lands Clauses Consolidation Act, 1869, are hereby repealed.
- 20 **2.** This Act may be cited as the Lands Clauses (Taxation of Costs) Act, 1895.

Fees for taxing costs in compensation inquiries and arbitrations. 8 & 9 Vict. c. 18.

31 & 32 Vict. c. 119.
32 & 33 Vict. c. 18.

Short title.

Lands Clauses
(Taxation of Costs).
[H.L.]

A

B I L L

INTITLED

An Act to amend the Law relating
to the Taxation of Costs under the
Lands Clauses Acts.

(*Brought from the Lords 26 March 1895.*)

Ordered, by The House of Commons, to be Printed,
25 April 1895.

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[*Price 1d.*]

[Bill 213.]

Lands Valuation (Scotland) Acts Amendment Bill.

MEMORANDUM.

The objects of this Bill are:—

1. To extend to all leases the application of certain provisions of the Lands Valuation Act, 1854, which at present apply only to leases over 31 years in the case of minerals, and over 21 years in other cases. Under these provisions the assessor is empowered to enter in the valuation roll, for valuation and assessment purposes, erections or structural improvements made by the tenant.

2. To extend to the magistrates and councils of burghs the power to appoint a valuation committee to determine appeals and complaints under the Valuation Acts. This power was conferred on the commissioners of supply in counties by the Valuation of Lands Amendment Act, 1879.

A

B I L L

TO

Amend the Valuation of Lands (Scotland) Acts.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 **1.** This Act may be cited as the Lands Valuation (Scotland) Amendment Act, 1895, and shall apply to Scotland only. Short title
and extent
of Act.
- 2.** This Act shall be read and construed as one with the Valuation Acts. Construction
of Act.
- 10 **3.** In this Act the expression “Valuation Acts” shall mean and include the Lands Valuation (Scotland) Act, 1854 (herein-after referred to as the Valuation Act, 1854), and any Acts amending the same. Interpreta-
tion.
- 15 **4.** Section six of the Valuation Act, 1854, shall be read and construed as if the following proviso were inserted after the words “as compared with the amount of such valuation,” that is to say:— Amendment
of section 6
of Valuation
Act, 1854,
in cases of
erections and
structural
improve-
ments.
- 20 “Provided also, that where any lessee of any such lands and heritages, holding under a lease or agreement, the stipulated duration of which is *twenty-one years* or under from the date of the entry under the same, and in the case of minerals, *thirty-one years* or under from the date of such entry, has made or acquired erections or structural improvements on the subjects let, and where the actual yearly value of such erections or structural improvements cannot, under the provision of section six of this Act, be entered in the
- 25 valuation roll, such erections or structural improvements shall be deemed to be lands and heritages within the meaning of this Act, and such lessee shall be deemed to be proprietor thereof for the purposes of this Act, and the assessor shall ascertain the yearly value of such erections or structural improvements as a separate

[Bill 84.]

A

A.D. 1895.

subject, and shall make a separate entry thereof in the valuation roll, setting forth all the particulars relating thereto as herein-before provided with respect to other lands and heritages."

Burgh
valuation
committee
to be
appointed.

5. From and after the *commencement of this Act*, appeals and complaints, under the Valuation Acts, to the magistrates and council in any burgh may be heard and determined in the same manner as prior to the commencement of this Act, by such magistrates and councillors of such burgh, or may be heard and determined by a standing committee of their own number to be annually appointed by such magistrates and council, consisting of 10, not less than seven nor more than fifteen members, of whom three shall be a quorum, and to be called the burgh valuation committee. The burgh valuation committee may appoint a chairman, who shall have a casting as well as a deliberative vote. Any vacancy on the committee caused by death, resignation, or other 15 cause, may be filled up by the magistrates and council. The town clerk shall be clerk of the committee. The determination of a burgh valuation committee shall, for all purposes, be deemed to be the determination of the magistrates and council by whom it is appointed.

Lands Valuation (Scotland) Acts Amendment.

A

B I L L,

To amend the Valuation of Lands
(Scotland) Acts.

*(Prepared and brought in by
Sir James Carmichael, Dr. Farquharson,
Sir Thomas Sutherland, Mr. Donald Craighford,
Mr. Baird, Mr. Paul, and Mr. Renshaw.)*

*Ordered, by The House of Commons, to be Printed,
11 February 1895.*

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and 20, West Nile Street, Glasgow; or
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[*Price 1d.*]

[Bill 84.]

A

B I L L

INTITULED

An Act to amend the Larceny Act, 1861, with respect to the Jurisdiction exerciseable in cases relating to the Receipt of Stolen Property. A.D. 1895. —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. If any person receives any property knowing it to have been stolen, taken, extorted, obtained, embezzled, converted, or disposed of, outside the United Kingdom under such circumstances that if the act had been committed within the United Kingdom the person committing it would have been guilty of an extradition crime
 10 according to the law for the time being of the United Kingdom, the person so receiving the property shall be guilty of a misdemeanor, and may be indicted in any county or place in which he has or has had the property, and on conviction shall be liable to penal servitude for any term not less than three years and not
 15 more than seven years, or to imprisonment for a term not exceeding two years with or without hard labour.

Punishment
for receiving
property
stolen
abroad.
[See 24 & 25
Vict c. 96.
ss. 91-97.]

2. This Act shall not extend to Scotland.

Extent of
Act.

3. This Act may be cited as the Larceny Act, 1895, and shall be construed as part of the Larceny Act, 1861, and that Act and
 20 this Act may be cited together as the Larceny Acts, 1861 and 1895.

Short title
and con-
struction.
24 & 25 Vict.
c. 96.

Larceny Act Amendment. [H.L.]

A

B I L L

INTITLED

An Act to amend the Larceny Act,
1861, with respect to the Jurisdiction
exercisable in cases relating to the
Receipt of Stolen Property.

(*Brought from the Lords 15 March 1895.*)

Ordered, by The House of Commons, to be Printed,
19 March 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 174.]

A
B I L L

TO

Amend the Law relating to Law Agents and Notaries A.D. 1895.
Public practising in Scotland. —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. The following words and expressions, when used in this Act, shall have the meanings hereby assigned to them respectively; that is to say— Interpreta-
tion.

“The court” means the court of session.

10 “Law agent” means any person entitled to practise as an agent in the courts of law in Scotland.

“Enrolled law agent” means any law agent enrolled pursuant to the provisions of the Law Agents (Scotland) Act, 1873.

“Notary public” means any notary public duly admitted in Scotland.

15 2. After *the passing of this Act* any notary public may at any time present a petition to the court praying to be admitted as a law agent under the Law Agents (Scotland) Act, 1873, and any Act or Acts explaining or amending the same, and on his passing an examination in forms of process and court procedure to the
20 satisfaction of the examiners of law agents under the said Act, but without making the affidavit of apprenticeship prescribed by the said Act, the court may admit such notary public as a law agent, and authorise his name to be enrolled as a law agent under the said Act, and any Act or Acts explaining or amending the same. The
25 court may in its discretion dispense with the examination in the case of any notary public who has regularly taken out the licence certificate required by law, and has been in practice as a notary public for not less than *seven years* immediately preceding the first day of November one thousand eight hundred and ninety-four.

[Bill 232.]

A.D. 1895.

Future
admission of
notaries
public.

3. Except during the first twelve months after *the passing of this Act*, no person shall be admitted as a notary public in Scotland until he shall have been admitted and enrolled as a law agent, but any candidate who may, before the expiry of the said twelve months, have presented a petition to the court for admission as a notary, according to the present law and practice, shall be entitled to complete his qualification. 5

Notaries public
may be mem-
bers of the
Incorporated
Society of Law
Agents in
Scotland.

Short title.

4. From and after *the passing of this Act* notaries public, although they are not enrolled law agents, may be admitted as members of the Incorporated Society of Law Agents in Scotland. 10

5. This Act may be cited as the Law Agents (Scotland) Act Amendment Act, 1895.

Law Agents (Scotland).

A

B I L L

To amend the Law relating to Law Agents and Notaries Public practising in Scotland.

(Prepared and brought in by
*Mr. Caldwell, Mr. Harry Smith, Mr. Renshaw,
Mr. Alexander Cross, and Mr. Diamond.*)

*Ordered, by The House of Commons, to be Printed,
7 May 1895.*

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[Bill 232.]

Leaseholders (Purchase of Fee Simple) Bill.

MEMORANDUM.

The object of this Bill is to carry out the recommendation of the Royal Commission on the Housing of the Working Classes in their Supplementary Report, viz.:—"That legislation favourable to the acquisition on equitable terms of the freehold interest on the part of the leaseholder would conduce greatly to the improvement of the dwellings of the people of this country" on the ground that "the prevailing system of building leases is conducive to bad building, to deterioration of property towards the close of the lease, and to a want of interest on the part of the occupier in the house he inhabits," and that "the system of building on leasehold land is a great cause of the many evils connected with overcrowding, unsanitary buildings, and excessive rents."

The Town Holdings Committee, in their final Report, recommend the local application of enfranchisement generally on the following grounds:—"After the statements laid before us by various witnesses, we cannot doubt that the ownership by a working man of the house he occupies is one of the strongest inducements to those habits of life which make him a good citizen and a useful member of the community, and that this stimulus is more strongly felt in the case of a man who has or can obtain the freehold than in that of a lessee for a term of years." Again, "With regard, however, to improvements, which lessees holding under existing leases may hereafter desire to make, a measure of enfranchisement would place such lessees in a better position, by enabling them to acquire the freehold before making the contemplated outlay. So far as the power of enfranchisement would promote such improvements, it may be looked upon as a benefit to the public," and they, therefore, recommend the local application of enfranchisement generally, and that compulsory powers be specially given to the following:—"Public Educational Bodies, Co-operative and Provident Societies, and Public Authorities and Corporations."

The initial process is, on the customary lines, to compel the lessor or lessors by notice to estimate the present value of their interests, and the lessee wishing to enfranchise to offer a counter-

price, with a reference, if they cannot agree, to the county or other analogous court. The capital sum or sums having been settled by agreement or by the court, power is given to those who were lessees or their successors in title to substitute a terminable or perpetual rentcharge for the capital payment, with the consent of the person or persons who had the reversionary interest.

Covenants providing the restraint on user can be enforced, either by the original lessor or by the local authority, which can also, under proper safeguards, release the property from certain kinds of covenants.

When the title is good, and when the freeholders and sub-lessors who are interested in the holding agree as to the division of the purchase money, the lessee pays the purchase money into court, the court divides it and issues a certificate of purchase to the lessee, who becomes the freeholder.

Inquiry into title is regulated by section 2, Vendor and Purchaser Act, 1874, whilst the court has larger powers in cases of doubt or difficulty. Legal expenses are limited, and a scale of costs is provided.

Leaseholders (Purchase of Fee Simple) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Lessee may acquire reversions by purchase.
5. Power to acquire reversions to be exercised concurrently.
6. Notice by lessee of intention to acquire reversions.
7. Production of deeds relating to the reversions and of the lease of the demised premises.
8. Lessee may purchase reversions by agreement.
9. Application to court.
10. Court to fix a day for hearing, and to send notices to parties.
11. Jury may be demanded by any of the parties.
12. Assessment of purchase money.
13. Conveyance where title cannot be expeditiously proved.
14. Observance of restrictive covenants.
15. Purchase money may be by way of rentcharge.
16. Payment of purchase money into court and issue of certificate of purchase.
17. Distribution of purchase money.
18. Provision for cases of disability.
19. Trustees may purchase under certain conditions.
20. Provision in case of irregularities.
21. Costs to be paid by lessee.
22. Costs in case of default of lessee or of unfounded claim.
23. Limitation in certain cases of right to apply to court.
24. Life leaseholds within provisions of Act.
25. Appeals.
26. Rules.
27. Forms in schedule.
28. Notices may be printed or written.
29. Service of notices.

SCHEDULE.

[Bill 52.]

A
B I L L

TO

Give facilities to Leaseholders for the Purchase of the Fee Simple of their Holdings. A.D. 1895.

WHEREAS it is expedient to amend the law so as to give to certain leaseholders the power to acquire the freehold reversion expectant on the determination of their leases and any intermediate interests in such property :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Leasehold Short title.
10 Enfranchisement Act, 1895.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-five*, which date is herein-after referred to as the commencement of this Act. Commence-
ment of Act.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say) :— Interpreta-
tion of terms.

20 "Lease" means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment :

"Life lease" means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant or an agreement for a grant for a life or lives :

25 "Lessee" includes any person entitled to the equity of redemption in a lease subject to a mortgage, and, where the demised premises are comprised in or affected by a settlement, includes the tenant for life or the person having the powers of a tenant for life under such settlement or in respect of such settled land :

[Bill 52.]

A

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“Settlement,” “settled land,” and “tenant for life” have the same meanings respectively as in the Settled Land Acts, 1882 and 1884 :

“Freeholder” means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land, or comprised in or affected by any settlement, then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement :

10

“Holding” includes any messuage, dwelling-house, shop, cottage, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith, held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed three acres in extent :

15

“Local authority” means the mayor, aldermen, and council of any city or municipal borough, the vestries and district boards in the metropolis, and elsewhere the local board having authority in any urban or rural district for the enforcement of Acts relating to buildings, sanitary regulations, or the public health :

20

“Court” means in England the county court for the district wherein any part of the demised premises is situated ; in Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated ; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881 :

25

“Person” includes a body of persons corporate or unincorporate :

“Prescribed” means prescribed by rules made in pursuance of this Act :

30

“Reversions” include “remainders” :

“Rules” include “forms.”

PART I.

A.D. 1895.

Lessee may
acquire
reversions
by purchase.

4.—(1.) From and after the commencement of this Act every lessee as incident to and inseparable from his interest in any lease or life lease granted before or after the commencement of this Act, and not being a lease at rack rental at the date of the giving of the notice hereafter mentioned, shall have the right to acquire the reversion expectant or consequent upon the determination of the said term, and the reversions of any superior or intermediate lease or interest, and also the freehold reversion in the demised premises in the manner herein-after provided; but a lessee shall not be entitled to exercise such right in respect of part only of the premises demised by such lease, except where such part is the subject of a separate tenancy.

(2.) When the interest of a lessee in a lease or life lease is subject to an incumbrance, then, on the purchase by such lessee of such lease or of the freehold reversion expectant or consequent on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion has been actually conveyed to him by the instrument creating such incumbrance.

(3.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

5. Where the demised premises are comprised in an under-lease the powers hereby conferred on the lessee to acquire the reversions expectant upon the term granted by such under-lease and by any superior or intermediate lease shall be exercised concurrently with the purchase of the freehold reversion in the demised premises.

Power to
acquire re-
versions to
be exercised
concurrently.

6.—(1.) When a lessee is desirous of acquiring the reversions to the demised premises in pursuance of this Act, he shall serve upon the lessor or his agent a notice, herein-after described as the prescribed notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect.

Notice by
lessee of
intention to
acquire
reversions.

(2.) Within *twenty-one days* after the service of the aforesaid notice the lessor shall deliver to the lessee particulars of his interest in the demised premises and the amount of purchase money which he claims for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or other prescribed form.

(3.) Upon receipt of these particulars the lessee shall serve upon the persons who thereby appear to have a beneficial interest in the demised premises a notice in the Form No. 3 in the schedule

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to this Act annexed, and each of such persons shall, within twenty-one days from the date of such service, deliver to the lessee notice of his interest in the demised premises and the amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form. 5

Production of deeds relating to the reversions and of the lease of the demised premises.

7. Within *one calendar month* after the service of the prescribed notice the lessee shall, if requested to do so, deliver to the lessor and any other person upon whom such notice shall have been served an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The 10 lessee may, in the like manner and within the same specified time, require from the lessor and any other person upon whom such notice shall have been served an abstract of his title to his reversion and a verification of his title thereto.

Lessee may purchase reversions by agreement.

8. The lessor may agree with the lessee and all other persons 15 who are beneficially interested in the demised premises and any tenant for life or person having the powers of a tenant for life under any settlement comprising or affecting the demised premises to acquire their interests by purchase, and in the case of any such tenant for life or person having the powers of a tenant for life it 20 shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave or sanction of the High Court of Justice to such agreement, purchase, or sale.

Application to court.

9.—(1.) Where the lessee and other persons interested in the demised premises are unable to agree as to the amount of purchase 25 money, or where any doubt or difficulty is alleged to exist as to the title of the lessor or other person, the lessee may make an application to the court. Such application shall be subject to all such particulars and offers on the part of the applicants as are required to be contained in any notice or notices set out in the 30 schedule hereto; and shall be in such form as may be prescribed under any rules made under this Act; and the court shall be empowered to hear and determine all points of difference between the parties and settle the amount to be paid by the lessee for the purchase of the respective interests of the parties concerned, 35 and shall likewise make an award specifying and assessing the amount of purchase money to be paid for the purchase of the freehold reversion in the demised premises, and shall direct the apportionment and distribution of such purchase moneys respectively among the persons entitled thereto, and may, subject to the 40 provisions of this Act, make such orders as to costs as may be deemed expedient.

(2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars :—

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(a.) The name and address and description of the lessee :

5 (b.) A description of the demised premises and where situate :

(c.) The nature and extent of the applicant's interest in such premises :

10 (d.) The names, addresses, and descriptions of the lessor and all persons having or reputed to have a beneficial interest or estate in the aforesaid premises.

(3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rackrent of the demised premises, as a security for any costs and expenses that may be incurred in connexion with his application.

15 10. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in
20 the demised premises.

Court to fix a day for hearing, and to send notices to parties.

11. Subject to any rules that may be prescribed it shall be lawful for any of the parties to such application to require the points in dispute to be settled by a jury, and in that event a jury shall be empannelled in accordance with the practice usually observed in
25 connexion with actions under the County Court Acts.

Jury may be demanded by any of the parties.

12. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act, regard shall be had to the following directions :—

Assessment of purchase money.

30 (a.) The purchase money shall be the sum which, in the opinion of the court, is the value of the present interests with the reversions in question expectant upon the determination of the lease :

35 (b.) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease unless the same were expressly made in pursuance of antecedent covenants or agreements entered into by him :

40 (c.) If the applicant or his predecessor in title shall have made improvements or incurred any outlay for which by law, custom, or contract he is entitled at the date of the hearing to be compensated by the lessor, allowance shall be made for

A.D. 1895. the present value of such improvement or outlay in the assessment of the purchase money :

- (d.) Unless the lessor and all other persons interested concur in releasing the lessee from the obligation of observing the restrictive covenants of the leases of the aforesaid premises, 5 the burden of such covenants shall be taken into account in arriving at the amount of purchase money, and the same shall thereupon cease.

Conveyance
where title
cannot be
expeditiously
proved.

13.—(1.) Where it appears that the title of the lessor or other person claiming or reputed to be beneficially interested in the 10 demised premises cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title or other person claiming to have a superior interest in the said premises has been in the actual receipt of the rent reserved by the lease for the *twelve years* immediately preceding the application to 15 the court, be empowered to make an order conveying the demised premises to the lessee subject to the payment of the purchase money into court.

(2.) The court shall subsequently proceed to ascertain the respective rights of the several persons claiming to be entitled to 20 the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just.

Observance
of restrictive
covenants.

14.—(1.) On a purchase by a lessee of a lease or of a freehold reversion expectant or consequent on the determination of a lease 25 under this Act—

- (a.) All covenants, agreements, and provisions contained in such lease or in any superior or intermediate lease binding the lessee under such lease to do or omit to do any of the following acts or any covenants, provisions, or agreements to the like purport 30 or effect shall be void as from the completion of such purchase, namely,

- (i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor :
- (ii.) To furnish to the lessor or his solicitors copies of all 35 deeds of assignment or under-lease :
- (iii.) To pay any fee on the registration of any assignment or under-lease :
- (iv.) Not to make any structural alteration or addition to the property without the consent, whether in writing or 40 not, of the lessor :

- (b.) But all covenants, agreements, and provisions binding the lessee to do or omit to do any of the following acts or any

covenants, agreements, or provisions to the like purport and effect shall, during the continuance of the term created by the lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority :

(i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees :

(ii.) To repair and keep the premises in repair :

(iii.) To insure from damage by fire, whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire :

(iv.) To pay rates, taxes, land tax, tithe, or other outgoings :

(v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances :

(vi.) To do any act which may or will be beneficial to the demised premises or to any other property of the lessor or his superior landlord or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises :

(vii.) Any other restrictive covenants, agreements, or provisions.

(2.) Provided nevertheless, that where in pursuance of this Act the lessee has obtained a release from the observance of any covenants, the local authority may enforce against him any byelaws or regulations made under or by virtue of powers granted to such local authority by Act of Parliament ; and the local authority may also in its discretion give any further release of covenants other than the releases provided under this Act, and may also restrain the lessee from so dealing with the demised premises, either by doing or omitting to do any act in connexion therewith, as will, in the opinion of such local authority, prejudicially affect adjoining owners.

15.—(1.) After the court shall have ascertained the value of the freehold reversion the court shall, on the application of the lessee, Purchase money may be by way of rentcharge.

A.D. 1895. — on notice to the freeholder, make an order that a perpetual rent-charge in lieu thereof shall be granted and secured upon the demised premises in perpetuity.

(2.) On the application of the lessee, on notice and subject to any objection on the part of the person or persons interested, the court may direct that a rentcharge or rentcharges shall be granted and secured upon the demised premises of an amount and for a term respectively co-extensive with the rent or amount of beneficial interest in a rent reserved by and the term created by any lease or leases for which the purchase money shall have been awarded as before provided. 5 10

(3.) The rentcharge created as aforesaid shall be payable half-yearly in accordance with the order and directions of the court, and shall be charged upon the demised premises in the following order:— The perpetual rentcharges as a first charge. The terminable rentcharges in the order of priority that the respective rents reserved by any purchased lease may rank. If at any time such rentcharge or any portion thereof shall remain unpaid, the person entitled thereto shall have the remedies for compelling and recovering payment of the same set forth in the forty-fourth section of the Conveyancing and Law of Property Act, 1881. 15 20

Payment of purchase money into court and issue of certificate of purchase.

16. Where the purchase money is not made by way of rentcharge, the lessee shall, within *one month* from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given and the restrictive covenants (if any) to which the demised premises remain subject; and such certificate shall operate as a conveyance from the day of its date to the applicant of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money. 25 30

Distribution of purchase money.

17.—(1.) On receipt of the said sum the court shall give one month's notice to the lessor and other persons interested of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights. 35 40

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(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same.

(3.) On the purchase by a lessee of any lease or freehold reversion expectant or consequent on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the lessee to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the lessee of the purchase money or execution of the deed of conveyance securing a rent in lieu of purchase money, as before provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

18. In the event of the disability, by infancy, coverture, insanity, or otherwise, of any person who but for such disability would have been entitled to the benefit of this Act or to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Provision for cases of disability.

19. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act, unless he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so; and with such

Trustees may purchase under certain conditions.

A.D. 1895. sanction any moneys, stocks, funds, or securities subject to the trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct. 5

Provision in case of irregularities.

20. Where any of the parties make default in complying with any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time 10 or rectification of any previous order, or otherwise howsoever, upon such terms and conditions as may be deemed expedient.

Costs to be paid by lessee.

21.—(1.) The costs of the lessee in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or execution of the deed securing 15 a rentcharge shall, subject as herein-after provided, be borne and paid by the lessee, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment to the lessee of the balance of such deposit (if any), but if any costs remain unpaid they shall be an 20 equitable charge upon the lessee's interest in the demised premises, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the lessee except in cases where the court 25 shall otherwise decide.

(3.) In respect of every purchase taking place under this Act there shall be paid by the lessee to the solicitors of the freeholder in reversion whose interest shall be purchased, for deducing the title to such interest and for investigating the title of the lessee 30 and for completing the conveyance to the lessee, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,

Where the purchase money does	35
not exceed 1,000 <i>l.</i> - - - 30 <i>s.</i> per 100 <i>l.</i> of purchase money.	
For the second and third 1,000 <i>l.</i> 20 <i>s.</i> per 100 <i>l.</i>	
For the fourth and each subse-	
quent 1,000 <i>l.</i> and up to 10,000 <i>l.</i> 10 <i>s.</i> per 100 <i>l.</i>	
Fractions of 100 <i>l.</i> being reckoned as 100 <i>l.</i>	40

Costs in case of default of

22. Where the lessee has wilfully or negligently delayed or made default in proceeding with his application, or where any party to

the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

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lessee or of unfounded claim.

23. If the application of any lessee be dismissed, or his right to the benefit of this Act be determined against him, or he decide and be permitted no further to proceed by reason of his being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised premises, he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall he or they take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application.

Limitation in certain cases of right to apply to court.

24. The powers herein contained shall be applicable to life leases as defined by this Act, and any person entitled to any such lease shall be and is hereby empowered to acquire all the reversions in the demised premises by purchase in the manner and under the limitations and conditions in this Act provided; and the forms in the schedule hereto may be varied so far as necessary and adapted thereto.

Life leaseholds within provisions of Act.

25. 25.—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law; in Scotland in the same manner as appeals are now made from the decisions of sheriffs; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard.

Appeals.

35 (2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

40 (3.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

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Rules.

26. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the Sheriffs Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland. 5

Forms in
schedule.

27. Any deeds, notices, or other documents in the form contained in the first schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all purposes. 10

Notices may
be printed or
written.

28. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court. 15

Service of
notices.

29. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(a.) By delivering the same to such person; or

(b.) By leaving the same at the usual or last known place of abode of such person; or 20

(c.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

If the notice is served, by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service 25 it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

SCHEDULE.

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FORMS.

FORM NO. 1.

Notice of desire by the Lessee to exercise the powers of this Act.

- 5 In pursuance of the provisions of the Leasehold Enfranchisement Act, 1895,
 I, _____ of _____ as lessee of the property hereafter
 mentioned of a lease dated the _____ day of _____, granted
 by [*insert lessors' names and description from lease*] [for a term of
 years, and _____ of another year, from the _____ day of _____,]
 10 or [for the life or lives of *A.B.*, of _____ *C.D.*, of _____ *E.F.*, of _____],
 do hereby give you notice that I intend to exercise the powers of the said Act,
 and to purchase the reversion expectant or consequent on the determination of
 the said term, and the reversions of any superior or intermediate lease or
 interest, and the freehold reversion in the demised premises, and the short
 15 particulars of which are stated below. And that I am willing to submit myself
 to the provisions of the said Act, and to purchase pursuant to the said Act the
 said property, and I require from you in writing addressed to me at
 _____ the following particulars:—(1.) In the event of your holding
 the premises under a lease or leases—(a.) The date of such lease or leases.
 20 (a. 1.) The term or terms for which the premises are held. (b.) The names
 and addresses of the lessors so far as you can supply the same, and of the
 agents of the lessors if known to you. (c.) The names and addresses of the
 agents or persons to whom you made the last payment of rent in respect of
 the property comprised in such lease or leases. (d.) The amount of rent
 25 reserved by the lease or leases for the remainder of the term of the lease or
 leases. (e.) And if the same relates to any other property than that comprised
 in the lease, in respect of which I give this notice, the short particulars and
 description of such other property in case you require the said other property
 to be purchased. And I require you to state in writing the amount you claim
 30 as purchase money for the interests and property comprised in the notice in
 writing so to be given by you.
 (2.) In the event of your being entitled to the freehold reversion expectant
 or consequent upon the determination of the lease now held by me as lessee, I
 require you to state the particulars of your interest in the said property, and in
 35 separate amounts the respective purchase moneys you claim—(a.) for such
 reversion, and (b.) for such rent as may be payable to you during the residue
 of the term of the lease.

Dated this _____ day of _____ 18 .

A.D. 1895.

The Short Particulars of the Property above referred to.

[Here describe the premises according to the usual or postal address] and add the words :

And which description is intended to describe the property comprised in the lease dated _____, made between _____ for a term 5 of _____ years from the _____ day of _____ at the rent of £ _____ in respect of which this notice is given.

FORM No. 2.

Particulars of Lessor's or Freeholder's interest and price for Sale.

I, the undersigned _____ of _____, or the under- 10
signed duly authorised agent for this purpose of _____ of _____
_____, in reply to your desire to exercise the powers of the Leasehold
Enfranchisement Act, 1895, dated _____ day of _____ 18 _____,
hereby inform you that the premises mentioned in your said notice, and in
respect of which you are now paying the rent of £ _____, were granted or 15
demised by indenture of lease (or leases) bearing date (respectively) the
day of _____ (and the) _____ (day of) _____ and made
between _____ for a term of _____ years from the
day of _____, and that the same are held by me under an indenture of
lease (or leases) bearing date (respectively) the _____ day of _____ 20
and made between _____ and _____ for a term of _____
_____ years from the _____ day of _____ at a rent or
rents of £ _____ per annum, payable _____ (free from all
deductions whatsoever except income tax) (or that I hold the same in fee simple),
and I claim as purchase money for the freehold reversion expectant upon the ter- 25
mination of the term of years now held by you the sum of £ _____, and
as purchase money for the £ _____ per annum payable to me as afore-
said under the lease (or leases) before mentioned the sum of £ _____ as
purchase money.

Dated this _____ day of _____ 18 _____ 30
Yours, &c.

If held by the
lessor under a
lease state the
following
particulars.
State if any
charges or
taxes are
payable out of
the rent by
the lessor.

FORM No. 3.

Notice by Lessee as defined by the Act of desire to exercise the powers of the Act.

Having been informed by _____ of _____ that
the under-mentioned premises are comprised in a lease (or leases) dated the 35
_____, and made between _____ for a term of _____
years and _____ of another year from the _____ day of _____
at the yearly rent or rents of £ _____ payable [quarterly]
(free of all rates and taxes except property tax), and that you are entitled as
lessor to the rents and profits of such premises, and to the freehold reversion 40

Recite the
facts from
notice given in
Form No. 2.

expectant on the determination of the said lease, I hereby inform you that on A.D. 1895.
the day of in pursuance of the powers of the

Leasehold Enfranchisement Act, 1894, I sent a notice in writing (a copy of
which purports to be enclosed herewith) to the lessor under whom I hold the
5 under-mentioned premises, and I offer and hereby submit to the provisions of
the above-mentioned Act, and pursuant to the provisions thereof I require you
within one calendar month from the date hereof to deliver to me in writing at
a notice in writing stating the following particulars.

[The particulars are to be similar or to the effect of the particulars (1) and
10 (2) above set forth in form No. 1.]

FORM OF CONVEYANCE.

I, [A.B.], of in consideration of the sum of £
paid to me by [C.D.] pursuant to the Leasehold Enfranchisement Act, 1895,
as beneficial owner hereby convey to the said [C.D.] all [*insert description of*
15 *premises*], to hold the same unto and to the use of the said [C.D.] in fee simple,
according to the true intent and meaning of the said Act.

[*Add, if required, as follows:—*] And I hereby acknowledge the right of the
purchaser to production of the documents of title mentioned in the schedule
hereto, and to delivery of copies thereof, and hereby undertake for the safe
20 custody thereof.

In witness whereof I have hereunto set my hand and seal this
day of 18 .

[A.B.] (L.S.)

Schedule of ascertained covenants or agreements to which the premises
25 intended to be conveyed are subject.

FORM OF CONVEYANCE ON CHIEF RENT.

I, [A.B.], of in consideration of the rentcharge to be
paid as herein-after mentioned [and of £] by [C.D.] pursuant to the
Leasehold Enfranchisement Act, 1895, as beneficial owner hereby convey to
30 the said [C.D.] all [*insert description of premises*], to hold the same unto and to
the use of the said in fee simple, according to the true
intent and meaning of the said Act. The said [C.D.] yielding and paying unto
me a clear yearly rent of £ by equal half-yearly portions
henceforth, on the 24th of June and the 25th of December in each and every
35 year, clear of all taxes and deductions (except income or property tax).* The
first full payment to be made on the day of

* Where the demised premises are conveyed subject to a terminable rentcharge, add words stating
the period during which such rentcharge is payable.

A.D. 1895. next, and a proportionate part, amounting to £ , on the
— day of next.

[Add, if required, acknowledgment of right to production of documents as in Form of Conveyance above.]

In witness whereof I have hereunto set my hand and seal this day 5
of 18 .

[A.B.] (L.S.)

Schedule of ascertained covenants or agreements to which the premises intended to be conveyed are subject.

N.B.—The above conveyance should be executed in duplicate. 10

Leaseholders (Purchase of Fee Simple).

A

BILL

To give facilities to Leaseholders for the Purchase of the Fee Simple of their Holdings.

(Prepared and brought in by
Mr. Kearley, Mr. Brunner, Mr. H. L. W. Lawson,
Mr. James Rowlands, Mr. Frye, Major Jones,
Mr. Field, and Dr. Foss.)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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 or
 90, West Nile Street, Glasgow; or
 HODGKINS, FROST, & Co., Limited, 104, Grafton Street, Dublin.

[Price 2½d.]

[Bill 52.]

A

B I L L

TO

Amend the Law relating to Leaseholds.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.**—(1.) This Act may be cited as the Leasehold Law Amendment Act, 1895. Short title
and extent.

(2.) This Act does not extend to Scotland.

10 **2.**—(1.) In every lease containing a covenant, condition, or agreement against assigning, under-letting, or parting with the possession or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall be deemed to be subject to a proviso to the effect that such licence or consent shall not be unreasonably withheld. If consent to
assign or
underlet
required not
to be un-
reasonably
withheld.

15 (2.) Provided that in any case coming within the operation of this section the lessor may require the assignee or under lessee or person to whom possession is given, at his own cost, to produce to the lessor or his agent and allow him to inspect and make a note of the deed of assignment or under lease or other document transferring possession, and to pay a reasonable fee to the agent of the lessor for
20 making the inspection and note.

(3.) This section shall not apply to any lease of—

(a.) Agricultural or pastoral land.

(b.) Mines or minerals.

25 (c.) A house used or intended to be used as a public-house or beer-shop.

(d.) A house let as a dwelling-house with the use of any furniture, library, works of art, or other chattels not being in the nature of fixtures.

[Bill 136.]

A.D. 1895.

(e.) Any property with respect to which the personal qualifications of the tenant are of importance for the preservation of the value or character of the property.

Lessee may set off improvements against dilapidations.

3. Every lessee upon the determination of the lease under which he holds, if such lease shall have been originally granted for a term of twenty-one years or more, shall be entitled to set off the value of any improvements to the premises that add to the letting value thereof against any claim for dilapidations. This section shall not apply to any lease of—

(a.) Agricultural or pastoral land ; or

(b.) Mines or minerals.

10

In actions of ejectment for under lessees defaults lessees to be protected.

4. In any action of ejectment by a lessor for breach of covenant, if it shall appear that the act or default of any under lessee of the premises sought to be recovered or of any part thereof has caused or contributed to the breach of covenant for which the action is brought, the court, instead of giving judgment for ejectment, may, on the application of any person interested, authorise such person to enter upon the premises and satisfy the covenant, and may grant to such person a charge upon the interest of the under lessee in the premises with power of sale to recoup the outlay incurred, and may make such further or other order with regard to the matter as to the court may seem just.

15

20

If lessor refuses to sanction improvements lessee may appeal to the High Court.

5. If a lessee whose term unexpired exceeds *twenty-one years* is desirous of making any alteration in the premises comprised in the lease, and the consent of the lessor shall be necessary thereto, and such lessor shall refuse such consent, the lessee may apply by summons at chambers to a judge of Her Majesty's High Court of Justice with regard to the matter, and if the judge is satisfied that the alteration proposed would be an improvement, and would add to the letting value of the demised premises, and would not prejudicially affect any adjoining or neighbouring property of the lessor, the judge may authorise such alteration on such terms as to the judge may appear just.

25

30

This section shall not apply to any lease of—

(a.) Agricultural or pastoral land ; or

(b.) Mines or minerals.

35

Extent of Act. Prohibition of contracting out.

6. This Act applies to leases made either before or after the commencement of *this Act*, and shall have effect notwithstanding any stipulation to the contrary.

7. For the purposes of this Act a lease includes an original or derivative under lease; also a grant at a fee-farm rent or securing a rent by condition; and a lessee includes an original or derivative under lessee, and the heirs, executors, administrators, and assigns of
5 a lessee; also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes an original or derivative under lessor, and the heirs, executors, administrators, and assigns of a lessor; also a grantor as aforesaid and his heirs and assigns.

A.D. 1895.

Definitions.

Leaseholds.

A

B I L L

To amend the Law relating to Leaseholds.

(Prepared and brought in by
Mr. T. H. Bolton, Mr. Warrington,
Mr. Wm. Kenny, and Mr. James Ranelands.)

*Ordered, by The House of Commons, to be Printed,
20 February 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FRODIP, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price ½d.]

[Bill 136.]

A
B I L L

TO

Amend the Law of Libel.

A.D. 1895.

WHEREAS it is expedient to declare and amend the law of libel, and to consolidate the enactments relating to libel published in any newspaper.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words and phrases herein-after mentioned shall have and include the meanings following; that is to say: Definitions.

The expression “a court of summary jurisdiction” shall have in England the meanings assigned to it by the Summary Jurisdiction Act, 1879, and in Ireland shall mean any justice or justices of the peace, stipendiary or other magistrate or magistrates, having jurisdiction under the Summary Jurisdiction Acts:

The expression “Summary Jurisdiction Acts” shall have, as regards England, the meanings assigned to it by the Summary Jurisdiction Act, 1879; and, as regards Ireland, shall mean within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict.
c. 93.

The phrase “public meeting” shall mean any meeting bonâ fide and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted:

[Bill 92.]

A

A.D. 1895.

The word "newspaper" shall mean any paper containing public news or intelligence, or any remarks or observations thereon, printed for sale and published in England or Ireland periodically at intervals not exceeding *thirty-one days* between the publication of any two consecutive papers, parts, or numbers. Also 5 any paper printed in order to be dispersed and made public, at intervals not exceeding *thirty-one days*, containing only or principally advertisements.

Indorsement
on writ.

2. It shall not be sufficient for a plaintiff in an action of libel to indorse his writ generally with a claim for damages for libel; 10 but he shall give on the writ particulars, with dates, of each of the alleged libels sufficient to identify the same, so as to enable the defendant, if he think fit, at once to apologise or to pay money into court.

Payment
into court
in actions
of libel.

3. In any action of libel, it shall be lawful for any defendant to 15 pay money into court with a defence denying liability, as in every other action, anything contained in Order XXII., r. 1, of the Rules of the Supreme Court notwithstanding; and such payment into court shall not operate as, or be construed into, an admission of any liability on the part of such defendant. 20

Power to
defendant to
give certain
evidence in
mitigation of
damages.

4. At the trial of any action of libel it shall be lawful for any defendant to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages, or has received or agreed to receive compensation in respect of words to the same purport or effect as those for which such action 25 has been brought.

Defendants
jointly liable
for libel.

5. Whenever in any action of libel the plaintiff sues more than one defendant, whether jointly or severally, or in the alternative, it shall be lawful for each defendant to put in a separate defence, and to appear at the trial by separate counsel, or, if he think fit, to 30 apologise or to pay money into court or to make other amends without reference to any of his co-defendants; and the plaintiff may accept such apology, money, or other amends and settle or compromise the suit and discontinue the action as between himself and one or more defendants without reference to the other defendants. 35 Provided always, that rights and interests of the other defendant or defendants shall not in any way be prejudiced thereby.

Separate
assessment
of damages.

6. Whenever in an action of libel the plaintiff sues more than one defendant, whether jointly or severally, or in the alternative, and evidence is given of malice in one defendant or of any other matter 40

A.D. 1895.

of aggravation which would not be admissible in evidence against any other defendant if he were sued alone, such other defendant shall be entitled to apply to the judge to have the damages against himself and his co-defendants separately assessed; and thereupon

5 the judge shall direct the jury (if the case be tried with a jury) to assess, or shall himself (if the case be tried without a jury) assess, the damages separately against each defendant; and no defendant shall be liable, nor shall execution issue against him, for any further or other damages than shall be so assessed against him.

10 7. It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order

15 has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect to the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

Consolidation of actions.

20 It shall also be competent for a judge or the court, in the case of a libel published simultaneously in a number of newspapers or copied shortly after publication, and where the whole of such publications have a common origin, to give notice to the plaintiff in any action or actions arising out of such libel, that a stated period

25 will be allowed for the discovery of any further publications that may have taken place, in order that the whole of the actions arising out of such libel may be tried together, and after the expiration of such period of discovery no further actions shall be instituted in respect to the publication of such libel except for the

30 recovery of special damages.

In a consolidated action under this section the jury shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately;

35 and if the jury shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the judge at the trial shall thereupon make such order as he

40 shall deem just for the apportionment between and against such defendants of the costs, if any, which the plaintiff is entitled to recover.

A.D. 1895.

Security
for costs.

8. In any action for libel the judge at chambers, if satisfied that the plaintiff is an undischarged bankrupt or otherwise has no visible means of paying the costs of the defendant should a verdict not be found for the plaintiff, may make an order staying all proceedings in the action, unless within a time to be named in such order the plaintiff give full security for the defendant's costs to the satisfaction of a master of the Supreme Court. If any such action shall have been stayed under this section for a year, it shall at the end of the year be deemed to be dismissed with costs, and the defendant shall be at liberty to sign judgment for his costs. 10

Costs.

9. In any action of libel, if the plaintiff obtain a verdict for an amount which the court or a judge upon a view of the whole case shall deem to be nominal damages only, this shall be deemed good cause within Order LXV., r. 1, of the rules of the Supreme Court; and the judge before whom such action is tried or the court may 15 thereupon in his or their discretion make an order that the costs shall not follow the event of the trial.

In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, provided he pay money into court as amends.

10. In an action for a libel contained in any newspaper it shall be competent to the defendant to plead that such libel was inserted in such newspaper without actual malice, and without gross 20 negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, in case the action was commenced before there was any such opportunity, he, with or without an offer of compensation, inserted in such newspaper a full apology for the said libel, or, if the newspaper in which the 25 said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper to be selected by the plaintiff in such action; and should the jury by their verdict find that the sum offered was sufficient compensation, and that the apology offered was a proper 30 and adequate apology, then the plaintiff shall pay all the cost of the action on both sides from the date of the refusal of such offered compensation, but every such defendant shall before or at the time of delivering such defence pay into court a sum of money by way of amends for the injury sustained by the publication of such 35 libel; otherwise such plea shall be deemed a nullity, and may be treated as such by the plaintiff in the action.

Newspaper reports of proceedings of public meetings and of certain bodies and

11. A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of 40 a vestry, town council, school board, board of guardians, board or local authority formed or constituted under the provisions of any

Act of Parliament, or of any committee appointed by any of the above-mentioned bodies, or of any meeting of any commissioners authorised to act by letters patent, Act of Parliament, warrant under the Royal Sign Manual, or other lawful warrant or
 5 authority, select committees of either House of Parliament, justices of the peace in quarter sessions assembled for administrative or deliberative purposes, and the publication at the request of any Government office or department, officer of State, commissioner of police, or chief constable of any notice or report issued by them for
 10 the information of the public, shall be privileged, unless it shall be proved that such report or publication was published or made maliciously: provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: provided also, that the protection intended to be afforded by this section
 15 shall not be available as a defence in any proceedings if it shall be proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation of such report or other publication, and has refused
 20 or neglected to insert the same: provided further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter with respect to which a jury shall find it is neither of public concern nor is its publication for the public
 25 benefit, but if the publication be found to be accurate and the matter one of public concern, then its publication shall be deemed for the public benefit.

12. No criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the
 30 publication of a newspaper for any libel published therein without the order of a judge at chambers being first had and obtained. Due notice of any such intended application shall be given to the person accused, who shall have an opportunity of being heard against such application. The judge shall not make an order
 35 authorising the institution of any criminal proceeding against such person, unless in his opinion a sufficient remedy cannot be obtained in a civil action brought by the person libelled. There shall be no appeal from the decision of the judge at chambers when he refuses to make an order under this section; but it shall be lawful for the
 40 person accused to appeal against his decision, if the judge at chambers make an order permitting a criminal prosecution.

A.D. 1895.
 persons
 privileged.

Order of
 judge re-
 quired for
 prosecution
 of newspaper
 proprietor,
 &c.

A.D. 1895.

Inquiry by
court of
summary
jurisdiction
as to libel
being for
public bene-
fit or being
true.

13. A court of summary jurisdiction, upon the hearing of a charge against a proprietor, publisher, or editor, or any person responsible for the publication of a newspaper, for a libel published therein, may receive evidence as to the publication being for the public benefit, and as to the matters charged in the libel being true, and as to the report being fair and accurate and published without malice, and as to any matter which under this or any other Act or otherwise might be given in evidence by way of defence by the person charged on his trial on indictment; and the court, if of opinion after hearing such evidence that there is a strong or probable presumption that the jury on the trial would acquit the person charged, may dismiss the case.

Provision as
to summary
conviction
for libel.

14. If a court of summary jurisdiction upon the hearing of a charge against a proprietor, publisher, editor, or any person responsible for the publication of a newspaper for a libel published therein is of opinion that though the person charged is shown to have been guilty, the libel was of a trivial character, and that the offence may be adequately punished by virtue of the powers of this section, the court shall cause the charge to be reduced into writing and read to the person charged, and then address a question to him to the following effect: "Do you desire to be tried by a jury or do you consent to the case being dealt with summarily?" and, if such person assents to the case being dealt with summarily, the court may summarily convict him and adjudge him to pay a fine not exceeding *fifty pounds*.

42 & 43 Vict.
c. 49.

Section twenty-seven of the Summary Jurisdiction Act, 1879, shall, so far as is consistent with the tenor thereof, apply to every such proceeding as if it were herein enacted and extended to Ireland, and as if the Summary Jurisdiction Acts were therein referred to instead of the Summary Jurisdiction Act, 1848.

11 & 12 Vict.
c. 43.

22 & 23 Vict.
c. 17. made
applicable to
all libels.

15. Every libel or alleged libel shall be deemed to be an offence within and subject to the provisions of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intituled "An Act to prevent vexatious indictments for certain misdemeanors."

Repeal.

16. The enactments described in the schedule to this Act are hereby repealed; but this repeal shall not affect anything done or suffered, or any right acquired, or duty imposed, or liability incurred, before the *commencement of this Act*, or the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining or enforcing any such liability. Any

enactment referring to any enactment repealed by this Act shall be construed as referring to this Act. A.D. 1895.

17. This Act shall not apply to Scotland. Extent of Act.

18. This Act may be cited for all purposes as the Law of Libel Short title.
5 Amendments Act, 1895.

The SCHEDULE to which this Act refers.

Session and Chapter.		Short Title.	Extent of Repeal.
10	6 & 7 Vict. c. 96. -	The Libel Act, 1843 - -	Section 2, as amended by 42 & 43 Vict. c. 59, and 46 & 47 Vict. c. 49. s. 4.
	44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	Section 1, par. 4, commencing "The word newspaper."
15	44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	The whole of sections 4, 5, and 17.
	51 & 52 Vict. c. 64. -	The Law of Libel Amendment Act, 1888.	The whole of sections 1, 2, 3, 4, 5, 6, 10, 11.

Libel.

A

B I L L

To amend the Law of Libel.

(Prepared and brought in by
Sir Albert Rollit, Mr. H. W. Lawson,
Mr. Villot, Mr. Byles, Colonel Palmer,
Sir John Leng, Mr. T. P. O'Connor,
and Sir Charles Cameron.)

Ordered, by The House of Commons, to be Printed,
11 February 1895.

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90, West Nile Street, Glasgow; or
HODGES, FROEIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 92.]

Licensing Acts Amendment Bill.

MEMORANDUM.

The object of this Bill is to abolish what is known in the liquor trade as the tied-house system, by which tenants of licensed houses are compelled to purchase the goods sold by them from the owners or lessees of their houses.

Under this system, which has much extended, houses are tied not only for beer and spirits, but also for cigars.

Clause 3 exempts from the operation of the Act bonâ fide hotels which have practically no public bars, and in which the sale of intoxicating liquor is of a secondary consideration.

A

B I L L

TO

Amend the Licensing Acts.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** No licence for the sale of intoxicating liquor by retail shall be granted to any person except the real resident occupier of the house, for which he shall apply to be licensed, and such occupier shall be either the owner of such house or the tenant of the same for a term of not less than *one year*, such tenancy being terminable
 10 by not less than six months' notice, expiring at the end of any year of the tenancy, save and except that :
- (1.) Any tenancy may be made to terminate on any licence holder being convicted of any offence against any Licensing Act or Acts for the time being in force, or on the death or
 15 bankruptcy of the licence holder.
- (2.) Any executor or executors, administrator or administrators of a deceased licence holder, or the official receiver in bankruptcy, or trustee of a bankrupt licence holder, shall not during the time any licence may be vested in him, them, or
 20 either or any of them as executor or executors, or administrator or administrators, or official receiver or trustee in bankruptcy be compelled to reside in the licensed premises.
- 2.** Any covenant or agreement by a holder of a licence to sell any intoxicating liquor by retail, that such licence holder will
 25 purchase any goods for sale in his licensed premises of or from any stated person or persons, firm or firms, company or companies, shall be void.

Licence holder to be bonâ fide tenant.

To abolish the tied house system

A.D. 1895.

Exemption of
hotels without
public bars.

Extent of
Act.

Short title.

3. This Act shall not apply to a holder of a licence who is licensed under sub-section four of section forty-three of the Inland Revenue Act, 1880.

4. This Act shall not apply to Scotland or Ireland.

5. This Act may be cited as the Licensing (Tenants) Act, 1895. 5

Licensing Acts Amendments.

A

B I L L

To amend the Licensing Acts.

(Prepared and brought in by
Mr. Broadhurst, Mr. Moulton, Mr. Logan,
Mr. Charles M'Laren, and Mr. Hazell.)

*Ordered, by The House of Commons, to be Printed,
13 February 1895.*

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PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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[Price 1*d.*]

[Bill 107.]

Life Assurance Companies (Payment into Court) Bill. [H.L.]

MEMORANDUM.

It frequently happens that a life policy exists for thirty or forty years or longer before any claim under it is made. From time to time during its existence it may have been assigned, charged, or otherwise dealt with and mixed up with other property. Where there are rival claimants to the moneys assured the company can make them interplead. There are, however, many cases where no second claimant appears, but the company nevertheless cannot safely pay the money and discharge their liability, though anxious to do so, owing to the dealings that have taken place and the uncertainty as to the person really entitled to payment. The position of life assurance companies in this respect is peculiarly difficult, as they are compelled by statute (Policies of Assurance Act, 1867) to receive and acknowledge notice of any assignment of a policy. It may be observed that for some years it was the practice for life assurance companies, in cases of difficulty, to pay money into court under the Trustee Relief Act. For some time the practice was rather encouraged by the court. It was discontinued in consequence of a judgment of Sir George Jessel, M.R., *in re Haycocks Policy*, 1 Ch. Div. 611. He pointed out that assurance companies could not bring themselves within the provisions of the Trustee Relief Act. "The privilege of paying money into court," he said, "has been largely, and perhaps on the whole very beneficially, used by assurance societies, but I cannot find this privilege in the Act. It is an Act for the relief of trustees only."

It is thought that in these circumstances there can be no objection in principle to empowering life assurance companies to pay policy moneys into court in cases of doubt and difficulty, of course at their own risk as to payment of costs should the proceedings be deemed by the court to have been unreasonable. The provisions of the Supreme Court of Judicature Act, 1890, section 5, are probably sufficient to enable the court to deal with all questions relating to costs. But it is suggested that if the Bill should pass into law the rules of court under the Act might properly require a submission on the part of the company paying money into court to pay all such costs as the court might think fit to impose upon them.

A

B I L L

INTITULED

An Act to enable Life Assurance Companies to pay Money A.D. 1895.
into Court in certain Cases.

BE it enacted by the Queen's most Excellent Majesty, by
and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

5 **1.** This Act may be cited as the Life Assurance Companies Short title.
(Payment into Court) Act, 1895.

2. In this Act—

Interpreta-
tion.

10 The expression “ life assurance company ” means any
corporation, company, or society carrying on the business
of life assurance, not being a society registered under the
Acts relating to friendly societies ;

 The expression “ life policy ” includes any policy not foreign
to the business of life assurance.

15 **3.** Subject to rules of court any life assurance company may
pay into the High Court, or where the head office of the company
is situated within the jurisdiction of the Chancery Court of the
County Palatine of Lancaster, either into that court or into the
High Court, any moneys payable by them under a life policy in
respect of which in the opinion of their board of directors no
20 sufficient discharge can otherwise be obtained.

Power to pay
money into
court.

[56 & 57 Vict.
c. 53. s. 42.]

4. The receipt or certificate of the proper officer shall be a
sufficient discharge to the company for the moneys so paid into
court, and such moneys shall, subject to rules of court, be dealt with
according to the orders of the High Court or the Palatine Court, as
25 the case may be.

Receipt of
officer suffi-
cient dis-
charge.

5. This Act does not extend to Scotland.

Extent of
Act.

**Life Assurance
Companies (Payment
into Court). [H.L.]**

A

B I L L

INTITULIED

An Act to enable Life Assurance
Companies to pay Money into Court
in certain Cases.

(Brought from the Lords 21 June 1895.)

*Ordered, by The House of Commons, to be Printed,
1 July 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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[Price 1d.]

[Bill 331.]

Light Railways Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power of county council to authorise light railways.
2. Provisions to be made by order of county council.
3. Action of county council on application.
4. Powers and duties of Board of Trade.
5. Adoption or rejection of order by county council.
6. Application of general railway Acts.
7. Joint committee of two or more county councils.
8. Expenses of county council.
9. Provision as to larger boroughs.
10. Consent of Board of Agriculture in case of commons.
11. Mode of settling purchase money and compensation for taking of land.
12. Appointment of arbitrator by Board of Trade and expenses of Board.
13. Amendment of order.
14. Power of county council to make rules.
15. Copies of order.
16. Definitions.
17. Application to Scotland.
18. Short title and extent.

SCHEDULES.

A
B I L L

TO

Facilitate the Construction of Light Railways in Great Britain. A.D. 1895.

WHEREAS it is expedient to provide by means of light railways further facilities for communication, especially in sparsely populated and agricultural districts, and for that purpose to modify with respect to such railways the existing requirements relating to the authorising, constructing, and working of railways :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 10 **1.** A county council may, after such inquiry as is herein-after provided, and subject to the approval of the Board of Trade as to the matters herein-after mentioned, make an order in accordance with this Act authorising a light railway to be made under this Act within their county, and the order so made shall have effect as if
15 enacted by Parliament. Power of county council to authorise light railways.
- 2.** An order under this Act may contain provisions for— Provisions to be made by order of county council.
- (*a*) the incorporation, subject to such exceptions and variations as may be mentioned in the order, of all or any of the provisions of the *Clauses Acts* as defined by this Act ;
- 20 (*b*) the constitution, as a body corporate under the provisions so incorporated, of a company for the purpose of carrying out the objects of the order ;
- (*c*) the application, if and so far as may be considered necessary, of any of the enactments mentioned in the First Schedule to this Act (being enactments relating to the safety of the public) ;
- 25 (*d*) any other matters, whether similar to the above or not, which the council may consider ancillary to the objects of the order or expedient for carrying those objects into effect.

[Bill 216.]

A 2

A.D. 1895.

Action of
county
council on
application.

3.—(1.) Where application is made to a county council for authority to make a light railway under this Act, the council shall, in the first instance, satisfy themselves that the applicants (in this Act referred to as the promoters) have taken all reasonable steps for ascertaining the views of the local authorities, including road 5 authorities, through whose areas the railway is intended to pass, and of the owners whose land it is proposed to take, and for giving public notice of their application, and if they are satisfied as to the steps which have been taken for these purposes, and are of opinion, having regard to the views so ascertained, that the application 10 ought to be considered, they shall take the application into consideration, and shall proceed to make inquiry into all such matters as they may consider material for determining the expediency of granting the application.

(2.) The council shall conduct their inquiry by means of a 15 committee consisting either wholly of members of their body, or partly of members of their body and partly of other persons.

(3.) The inquiry shall be public and shall be conducted at such times and places as the committee may deem most convenient for the persons interested in making or opposing the railway, and they 20 shall in the prescribed manner give notice of the inquiry and hear all persons (inclusive of local authorities) appearing to them to be interested.

(4.) If on any such inquiry the committee are of opinion that the application should be granted by the council, they shall settle 25 any draft order submitted to them by the promoters for authorising the railway and cause all such matters (including provisions for the safety of the public, and particulars of the land intended to be taken) to be inserted and all such modifications to be made therein as they think necessary, and shall submit the draft order to the 30 council, and the council shall cause a copy of the draft order, with such modifications, if any, as may be made by the council, to be laid before the Board of Trade, accompanied by such particulars and plans as may be required by that Board.

Powers and
duties of
Board of
Trade.

4.—(1.) The Board of Trade may, if they think fit, on the 35 request of a county council or a committee thereof, supply the council or committee with such advice or assistance as the council or committee may desire for the purpose of deciding on any application and settling any draft order under this Act.

(2.) The owner of any land intended to be taken for the purpose 40 of a light railway under this Act, may, within the prescribed time after the inquiry by the committee, appeal to the Board of Trade

against the draft order, so far as it authorises the compulsory acquisition of his land. A.D. 1895.

(3.) The Board of Trade shall consider each draft order laid before the Board under this Act with reference to—

- 5 (a) the expediency of requiring the proposals of the promoters to be submitted to Parliament; and
(b) the safety of the public; and
(c) the compulsory acquisition of any land in respect of which an appeal is lodged under this section.
- 10 (4.) If the Board of Trade on such consideration are of opinion—
(a) that by reason of the magnitude of the proposed undertaking or for any other special reason relating to the undertaking the proposals of the promoters ought to be submitted to Parliament; or
15 (b) that the provisions of the draft order are insufficient for the safety of the public,

they shall notify to the county council their objections to the order, with their reasons, and thereupon the draft order shall not, save as herein-after mentioned, be further proceeded with.

- 20 (5.) If the Board of Trade, after such local inquiry (if any) as they think necessary, are of opinion that any land in respect of which an appeal is lodged, should not be taken compulsorily, they shall notify their decision to the county council, and the draft order shall not be proceeded with so far as it authorises the taking of
25 such land compulsorily.

(6.) If the objection or decision is not notified within the prescribed time after the draft order is submitted to the Board of Trade, the draft order shall be deemed to be approved by the Board.

- (7.) If any such objection as above mentioned is notified to the
30 county council, they may modify the draft order so as to meet the objection, and may apply to the Board of Trade to withdraw the objection on the ground either that the draft order is so modified or that the circumstances affecting the same are so changed as to remove the objection; and the Board, if on any such application
35 they are satisfied that the objection has been removed, and, where the draft order has been modified, that sufficient opportunity has been given to persons interested for considering the modification, may approve the draft order.

- (8.) If the draft order is not approved by the Board of Trade and
40 a Bill is introduced into Parliament with reference to the light railway proposed by the draft order, any proceedings or evidence taken before the committee of the county council may be admitted in

A.D. 1895. evidence in the course of any proceedings in Parliament upon the Bill.

Adoption or rejection of order by county council.

5. The county council, on the approval of a draft order by the Board of Trade, may, as they think fit, either make an order in accordance with the draft or reject the draft, and any order so made shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of the order have been complied with.

Application of general railway Acts.

6.—(1.) The Clauses Acts, as defined by this Act, and the enactments mentioned in the First Schedule to this Act, shall not apply to a light railway authorised under this Act, except so far as they are incorporated or applied by the order authorising the railway.

13 & 14 Vict. c. xxxiii.

(2.) Subject to the foregoing provisions of this Act, the general enactments relating to railways (including the Railway Clearing Act, 1850,) shall apply to a light railway under this Act in like manner as they apply to any other railway; and for the purposes of those enactments the light railway company shall be deemed a railway company, and the order under this Act a special Act, and any provision thereof a special enactment.

Joint committee of two or more county councils.
51 & 52 Vict. c. 41.

7. Where it is proposed that a light railway shall pass through two or more counties, the councils of those counties shall, on the application of the promoters of the railway, appoint a joint committee under section eighty-one of the Local Government Act, 1888, and the joint committee shall, in relation to the railway, have the same powers and be in the same position as if the district through which the railway is intended to pass were within the limits of one county, and the joint committee were the county council of that county, and any such joint committee may adopt for the purpose of the procedure with relation to the railway the rules of any one of the counties represented on the committee, or such combination of the rules of those counties as they think fit.

Expenses of county council.

8. The expenses of any inquiry conducted by a committee appointed by a county council under this Act, and all other expenses of the council in relation to any application or order under this Act, shall be borne by the promoters, and before entering on the inquiry the council may require such guarantee as they think sufficient from the promoters for securing the payment of those expenses.

Provision as to larger boroughs.

9.—(1.) The council of a county borough shall have the same powers for authorising a light railway within their borough as

the council of a county have under this Act within their county, and accordingly the expression "county" shall, for the purposes of this Act, include a county borough, and the expression "county council" shall include the council of a county borough.

A.D. 1895.

- 5 (2.) The council of a county shall not authorise a light railway to be made under this Act within a borough not being a county borough, but containing more than twenty thousand inhabitants according to the last census for the time being, except with the consent of the council of that borough.

- 10 10. An order under this Act shall not be made authorising a light railway to pass over any part of a common except with the consent of the Board of Agriculture, and that Board in giving or refusing their consent shall have regard to the same considerations, and shall, if necessary, hold the same inquiries, as are directed by the
15 Commons Act, 1876, to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.

Consent of Board of Agriculture in case of commons. 39 & 40 Vict. c. 56.

- 11.—(1.) Where any order under this Act incorporates the Lands
20 Clauses Acts, any matter which under those Acts may be determined by the verdict of a jury, by arbitration, or by two justices, shall for the purposes of the order be referred to and determined by a single arbitrator appointed by the Board of Trade, and the provisions of this Act shall apply with respect to the determination of any such matter in lieu of those of the Lands Clauses
25 Acts relating thereto.

Mode of settling purchase-money and compensation for taking of land.

(2.) The Board of Trade may make rules fixing a scale of costs to be applicable on any such arbitration, and may, by such rules, limit the cases in which counsel are to be allowed.

- 12.—(1.) The Board of Trade may appoint an arbitrator for the
30 decision of any matter with reference to which they are authorised to hold a local inquiry under this Act, or for the purpose of any arbitration under this Act, and the Arbitration Act, 1889 shall apply to any such inquiry or arbitration.

Appointment of arbitrator by Board of Trade and expenses of Board. 52 & 53 Vict. c. 49. 37 & 38 Vict. c. 40.

- (2.) Section three of the Board of Trade (Arbitrations) &c. Act,
35 1874, shall apply to any such inquiry or arbitration as if it were an inquiry or arbitration held in pursuance of a special Act as defined by that Act.

- (3.) *Any expenses of the Board of Trade under this Act shall, except so far as provision is made for their payment by or under
40 this Act, be defrayed out of moneys provided by Parliament.*

A.D. 1895.

Amendment
of order.

13. An order authorising a light railway under this Act may be altered or added to by an amending order made in like manner, and subject to the like provisions, as the original order, provided that :—

(a.) The amending order may be made on the application of any 5 authority or person, and the applicants shall be deemed to be the promoters within the meaning of the foregoing provisions of this Act; and

(b.) The Board of Trade, in considering the expediency of requiring the proposals for amending the order to be submitted to 10 Parliament, shall have regard to the scope and provisions of the original order.

Power of
county
council to
make rules.

14. A county council may make rules—

(a) regulating the procedure to be observed, the fees to be charged, and the scale of costs to be applicable, with respect to 15 any inquiry by a committee under this Act; and

(b) as to the mode in which notice of any application, draft order, or order, or any other information in relation to any matter under this Act is to be given or published; and

(c) for requiring a deposit to be made by the promoters, and for 20 regulating the amount and mode of making such deposit, and the application thereof for the benefit of any persons to whom any damage, loss, or inconvenience has been caused in cases where the promoters' application is not successful, or where the light railway authorised is not opened for traffic within 25 a time fixed by the order or by rules; and

(d) in relation to any matter which is to be prescribed under this Act; and

(e) in relation to any matter which they may think it expedient to regulate by rule for the purpose of carrying this Act into 30 effect;

but such rules shall not have any effect until they have been confirmed by the Board of Trade.

Copies of
order.

15. A light railway company shall supply copies of the order of the county council authorising them to make their railway, and of 35 any amending order, on payment of such reasonable charges as the council may fix.

Definitions.

16. In this Act, unless the context otherwise requires,—

The expression "light railway company" includes any person or body of persons, whether incorporated or not, who are owners 40 or lessees of any light railway authorised by this Act, or who are working the same under any working agreement.

The expression "owner" includes any person who under the provisions of the Lands Clauses Acts is enabled to sell and convey land to the promoters of an undertaking. A.D. 1895.

5 The expression "Clauses Acts" means the Lands Clauses Acts, the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, and the Companies Clauses Consolidation Acts, 1845 to 1889.

The expression "prescribed" means prescribed by rules made under this Act.

10 17. This Act shall apply to Scotland with the following modifications :— Application to Scotland.

(1.) A reference to section seventy-six of the Local Government (Scotland) Act, 1889, shall be substituted for the reference to section eighty-one of the Local Government Act, 1888 : 52 & 53 Vict. c. 50.

15 (2.) A reference to the Railways Clauses Consolidation (Scotland) Act, 1845, shall be substituted for the reference to the Railways Clauses Consolidation Act, 1845, and a reference to the Companies Clauses Consolidation (Scotland) Act, 1845, the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, shall be substituted for a reference to the Companies Clauses Consolidation Acts, 1845 to 1889 :

20 (3.) Each of the burghs mentioned in the Second Schedule to this Act shall be in the same position as a county borough in England :

25 (4.) The expression "borough" shall mean any burgh within the meaning of the Local Government (Scotland) Act, 1889 :

(5.) The provision as to the consent of the Board of Agriculture, and the reference to the Arbitration Act, 1889, shall not apply.

30 18.—(1.) This Act may be cited as the Light Railways Act, 1895. Short title and extent.

(2.) This Act shall not extend to Ireland.

A.D. 1895.

SCHEDULES.FIRST SCHEDULE.

Session and Chapter.	Title or Short Title.	Enactment referred to.	
2 & 3 Vict. c. 45.	An Act to amend an Act of the fifth and sixth years of the reign of late Majesty King William the Fourth relating to highways.	The whole Act.	5
5 & 6 Vict. c. 55.	The Railway Regulation Act, 1842	Sections four, five, six, nine, ten.	10
9 & 10 Vict. c. 57.	An Act for regulating the gauge of railways.	The whole Act.	
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Sections nineteen, twenty, twenty-two, twenty-seven, twenty-eight, and twenty-nine.	15
34 & 35 Vict. c. 78	The Regulation of Railways Act, 1871.	Section five.	
36 & 37 Vict. c. 76.	Railway Regulation (returns of signal arrangements, working, &c.).	Sections four and six.	20
41 & 42 Vict. c. 20.	Railway Returns (Continuous Brakes) Act, 1878.	The whole Act.	
46 & 47 Vict. c. 34.	The Cheap Trains Act, 1883	Section three.	25
52 & 53 Vict. c. 57.	The Regulation of Railways Act, 1889.	The whole Act.	

SECOND SCHEDULE.

Edinburgh.	Leith.	
Glasgow.	Paisley.	30
Dundee.	Renfrew.	
Aberdeen.		

Light Railways.

A

B I L L

To facilitate the Construction of Light
Railways in Great Britain.

(Prepared and brought in by
*Mr. Bryce, Mr. Secretary Asquith, Mr. Attorney-
General, Mr. Herbert Gardner, and Mr. Burt.*)

*Ordered, by The House of Commons, to be Printed
25 April 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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[Price 1½d.]

[Bill 216.]

A

B I L L

TO

Enable Localities, by a direct Vote, to prevent the issue of Licences. A.D. 1895.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, and death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented :

And whereas it is right and expedient to confer upon voters in boroughs, wards, and districts the power to prevent such common sale of intoxicating liquor aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The following terms in this Act shall have the meanings assigned to them respectively :

“ Voters ” shall mean all persons entitled to vote under the provisions of this Act :

“ Borough ” shall mean any parliamentary or municipal borough :

“ Ward ” shall mean a ward of any borough which has been divided into wards for the purpose of municipal elections :

“ District ” shall mean any district or area which elects a member to the county council :

“ Returning officer ” shall mean the returning officer for the time being for the county or borough in which the district or ward where a poll is to be taken is situated :

[Bill 9.]

A

A.D. 1895.

“Licensing authority” shall mean an authority for the time being empowered to issue licences for the sale of intoxicating liquors :

“Intoxicating liquors” shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any distilled, spirituous, or 5 fermented liquors which could not, according to any law for the time being, be legally sold without a licence from the Commissioner of Inland Revenue. 81

Applications of voters for a vote to determine the adoption of this Act.

2. It shall be lawful after *the passing of this Act* for any number of voters in any borough, ward, or district, not being 10 less than one-tenth of the whole, to give notice in writing to the returning officer on or before the *first day of January*, if within the counties of Middlesex or Surrey, or on or before the *first day of July*, if in any other county in England, to take a poll of the voters of such borough, ward, or district, as to 15 whether licences for the common sale of intoxicating liquors shall be granted or renewed in that district. Such notice shall be accompanied by the deposit of such reasonable sum not exceeding *twenty pounds* as the returning officer in each case shall demand, towards the expense of the poll. 20

Notice of time and place for receiving votes for or against the adoption of this Act.

3. Not later than *ten days* after receiving such notice, the returning officer shall fix a date for the poll to be taken, and shall within the said ten days cause a notice of the same with all needful particulars to be affixed in a conspicuous place in every police station, and at the doors of every place of worship, public school, 25 and post office in the borough or ward or district, and shall also insert such notice once in the principal newspaper or newspapers circulating in the district. The date of such poll shall not be sooner than *fourteen* nor later than *twenty-one* days after the receipt of such notice. 30

Mode of voting.

4. The returning officer shall make arrangements as nearly as possible in accordance with the Act for the time being in force for the taking of votes at parliamentary elections, only substituting the form of voting paper in the first part of the schedule of this Act for the form used at parliamentary elections. 35

Persons entitled to vote.

5. The persons who shall be qualified to vote are all persons entitled for the time being to vote in the borough, ward, or district at municipal or county council elections.

Majority to decide.

6. A majority of votes given in favour of the proposed refusal of licences for the sale of intoxicating liquors shall be taken as a 40 decision in favour of adopting this Act.

A.D. 1895.

7. The returning officer shall, not later than the day after the poll has been taken, declare the number of votes for and against the adoption of the Act; and if adopted, he shall give notice of such adoption to the licensing authority for the time being having jurisdiction in the district, and to the Secretary of State for the Home Department; and such notice shall be proof in any proceeding under this Act, that the Act has been adopted.

If adopted, the fact to be notified to the licensing authority, &c.

8. This Act when adopted in any borough, ward, or district shall take effect at the end of the year for which the licences then issued have been granted; and upon the expiring of such licences within the borough, ward, or district aforesaid, it shall not be lawful for the licensing authority to grant or renew any licences for the sale of intoxicating liquors within that borough, ward, or district, and any sale made shall be deemed to be a sale within provisions of, and subject to the penalties of the ninth of George the Fourth, chapter fifty-eight, applicable to the offence of selling spirits without a certificate.

Penalty for offences under this Act.

Provided that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts or manufactures, or the sale of intoxicating liquors for medicinal, or wine for sacramental use, under such conditions as the local authority may from time to time prescribe.

9. If the Act is adopted in any borough, ward, or district no poll may be demanded for *five years*; but if not adopted another poll may be demanded in *two years*.

When a vote may again be taken.

10. The cost of taking the vote shall be paid out of the county rate in districts, and out of the general purposes rates or towns' rates in boroughs and wards, except as herein-before provided.

Cost of taking a vote.

11. It shall be the duty of the police to institute proceedings against any person or persons committing offences under this Act, and any person entitled to vote under the provisions of this Act may prosecute for offences if in the borough, ward, or district in which he is entitled to vote.

Prevention of offences.

12. This Act may be cited for all purposes as the Liquor Traffic Local Veto (England) Act, 1895, and shall apply to England only.

Title of Act, and extent.

A.D. 1895.

SCHEDULE.

PART I.

Form of Voting Paper.

Counterfoil No.		Against Licence.		5
		For Licences.		

PART II.

*Form of Directions for the guidance of Voters to be printed in
conspicuous Characters and placarded outside every Polling 10
Station and in every Compartment of every Polling Station.*

The voter, having obtained from the presiding officer a voting paper, shall go into one of the compartments, and with the pencil provided in the compartment, shall make a **X** in the space opposite the words *against* Licence if he wishes the granting and renewing of licences to be stopped, and in the space opposite the words *for* Licences if he is in favour of such granting and renewing. 15

The voter will then fold up the paper so as to show the official mark on the back to the presiding officer, and having done so shall, in the presence of the presiding officer, put the paper into the ballot box and leave the polling station. If the voter inadvertently spoils the voting paper he can return it to the presiding officer, who, on being satisfied as to such inadvertence, will give him another paper. 20

Liquor Traffic Local Veto (England).

A

B I L L

To enable Localities, by a direct Vote,
to prevent the issue of Licences.

(Prepared and brought in by
Sir Wilfrid Lawson, Mr. Allison,
Mr. Caine, Mr. Henry J. Wilson,
Mr. Benn, Mr. Billson, Mr. Croftfield,
Mr. C. Fenwick, Mr. Snape, and
Mr. Whitaker.)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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And to be purchased, either directly or through any Bookseller, from
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 9.]

A
B I L L

TO

Enable owners and occupiers in burghs, wards of burghs, parishes, and districts in Scotland to prevent the common sale of Intoxicating Liquors, or otherwise to have effectual control over the Drink Traffic, within such areas. A.D. 1895.

WHEREAS the traffic in intoxicating liquors is the main cause of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community:

5 And whereas it is expedient to confer power upon owners and occupiers of property in burghs, wards of burghs, parishes, and districts to prohibit such traffic:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following terms in this Act shall have the meanings assigned to them respectively: Definitions.

15 "Householder" in this Act shall mean any person, male or female, duly entered in the register of municipal voters in the case of towns, and in the register made in terms of the Local Government (Scotland) Act, 1889, in the case of counties:

"Burgh" shall mean any burgh in which a general or local Police Act is in force, and the boundaries of the burgh for
20 the purposes of such Police Act shall be the boundaries for the purposes of this Act:

"Ward of a burgh" shall mean a ward of any burgh which has been divided into wards for the purposes of municipal elections:

25 "Parish" shall mean any parish not included in a burgh, or the landward part of a parish which is partly landward and partly burghal:

"District" shall mean a village or locality which may be partly within a burgh and partly within a county not being a
30 parish or a burgh, or a ward of a burgh or wholly within

[Bill 11.]

A

A.D. 1895.

a burgh, containing not less than three hundred inhabitants, the boundaries of which shall have been defined as provided under this Act :

“Sheriff” shall mean the sheriff or sheriff-substitute of any county :

5

“Intoxicating liquors” shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented, distilled, or spirituous liquors which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue :

10

“Licensing authority” shall mean in royal or parliamentary burghs the magistrates, and in counties and police burghs the justices of the peace or other authority empowered by law to grant and renew certificates for the sale of exciseable liquors :

15

“Confirming authority” shall mean the authority empowered to confirm new licences under the Publicans Certificates (Scotland) Act, 1876.

Boundaries
of districts
how defined.

2. The boundaries of any district shall be fixed by the sheriff on the application of any ten or more householders in such proposed district, accompanied, if the sheriff shall so require, by an undertaking to pay the expense of fixing the boundaries of the district, in case the applicants shall be found liable in expenses as after mentioned ; and after such publication by advertisement or otherwise, as the sheriff may direct, the sheriff shall appoint and direct a proper person to make out and furnish within *fourteen days* a return showing to the best of his knowledge and belief the amount of the population within such district ; and thereafter, and after such farther investigation (if any) as the sheriff may deem necessary or proper, the sheriff shall mark out, define, and specify on a written deliverance on such application the boundaries of such district, which may enlarge, restrict, or otherwise modify the boundaries set out in the application and declare that such district is a district within the meaning of this Act. Such deliverance shall be final, and when recorded, along with the application on which it proceeds, in the sheriff court books of the county, shall fix and determine the boundaries of such district for the purposes of this Act. The sheriff shall have discretionary power, if he shall consider the conduct of the applicants frivolous, unwarranted, or objectionable, to find them liable in expenses if a poll shall not be applied for within *three months* of the date of his deliverance.

20

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40

3. It shall be lawful at any time after the *passing of this Act* for any number of householders in any burgh, ward of a burgh, parish, or district, being not fewer than one-tenth of the whole, by notice given in writing in the form set out in Schedule B. hereto
 5 annexed not later than the *first day of November* in any year, in the case of a burgh or ward of a burgh, to require the chief magistrate of the burgh, or in the case of a parish or district the sheriff of the county in which such parish or district (or the largest portion of the area thereof) is situated, to take a poll of the house-

A.D. 1895.
 Application of householders for a poll to determine on the adoption or rejection of three resolutions.

10 holders in such burgh, ward of a burgh, parish, and district for or against the adoption of the following resolutions not later than *twenty-one days*, nor sooner than *seven days*, after such notice in writing shall have been served on him, and such chief magistrate or sheriff shall be the returning officer under this Act:

15 (1.) First resolution.—That the sale of intoxicating liquors shall be prohibited.

.. (2.) Second resolution.—That the number of licences shall be reduced to a certain number, to be specified in such notice.

(3.) Third resolution.—That no new licences shall be granted.

20 In the case of any poll under this Act, a poll on each of the three resolutions shall be taken, except as herein-after provided.

4. Not later than *seven days* after receiving such notice, together with an undertaking, if the returning officer shall so require, to pay the expenses of the proceedings in case none of the resolutions above
 25 mentioned shall be adopted, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school in the burgh, ward of a burgh, parish, or district, and shall cause such notice to be inserted in one or more newspapers published within the burgh,
 30 ward of a burgh, parish, or district (if any), or, if there are none such, in some other newspaper or newspapers largely circulated therein, duly setting forth the purpose of the said poll, and the said resolutions and the terms of this Act authorising the poll to be taken, and specifying on what day (but not later than *fourteen*
 35 *days*, nor sooner than *seven days*, after the publication of such notice) the householders therein will have the opportunity of voting for or against the adoption of this Act.

Notice of time and place for receiving votes for or against the resolutions.

5. The persons entitled to vote under this Act shall be all householders within the burgh, ward of a burgh, parish, or district; and
 40 the register of municipal voters in the case of towns, and the register made in terms of the Local Government (Scotland) Act, 1889, in the case of counties, or certified copies thereof, shall be conclusive

Persons entitled to vote and proof of voters qualification.

A.D. 1895. evidence that the persons therein named had, and continue to have, the qualifications annexed to their names.

Mode of
voting.

6. At the time appointed for voting for or against the adoption of the resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at municipal elections: 5

Provided that the ballot papers shall be in the form set forth in the first part of the schedule to this Act, and the form of directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any other form prescribed by law for municipal elections. Provided also that the returning officer shall be entitled to use any ballot boxes or fittings for polling stations and compartments provided for the county or burgh, within which such burgh, ward of burgh, parish, or district, or the larger part of such district, are situated free of charge; and any damage other than reasonable tear and wear caused to the same shall be paid as part of the expenses of said poll. 15

Resolution
adopted by
a majority.

7. Every householder entitled to vote shall have one vote for, or against, each resolution.

If a majority of the votes recorded for, or against, the first, second, or third resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be adopted: 20

Provided that—

- (a.) Only one resolution shall be adopted.
- (b.) If the first resolution is carried it shall be adopted, whether either, or both, of the other two resolutions have been carried or not. 25
- (c.) If the second resolution is carried, and the first is not carried, the second resolution shall be adopted, whether the third resolution is carried or not. 30
- (d.) If the third resolution is carried, and the first and second are not carried, the third resolution shall be adopted.

Declaration
of poll.

8. The returning officer shall, not later than the next lawful day after the poll has taken place, declare the result of the voting, and whether any of the resolutions have been adopted or all have been rejected, and shall farther, if the first resolution has been adopted, give notice in the same manner as herein-before provided for the poll under this Act, intimating the date when such resolution is to come into operation, provided that it shall not be later than the expiry of licences to sell intoxicating liquors then current in said burgh, ward of a burgh, parish, or district. Such notice shall be conclusive proof in any proceedings under the Act that the Act 35 40

has been duly adopted. When any of the resolutions has been adopted, intimation thereof shall be sent by the returning officer within *seven days* to the Secretary of State for the Home Department and to the licensing authority of the burgh, ward of a burgh, parish, or district. Copies of such declaration and notice certified by the town clerk or sheriff clerk respectively shall be equivalent to the originals for all purposes.

A.D. 1895.

9. If the first resolution is adopted from and after the date when it comes into operation in any burgh, ward of a burgh, parish, or district it shall not be lawful to keep for sale, sell, or barter, or hawk, or otherwise dispose of intoxicating liquors therein; and any person or persons keeping for sale, selling, or bartering, or hawking, or otherwise disposing of intoxicating liquors contrary to this Act shall be guilty of an offence, and, on conviction, be subject to all the penalties of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, chapter fifty-eight, and applicable to the offence of bartering or selling spirits without a certificate; and all such liquors, whatever the quantity may be, and all measures, jars, or other utensils used in holding, or measuring, or conveying them found in such person's property or custody shall be confiscated in the manner set forth in the twentieth section of the Public-Houses Amendment (Scotland) Act, 1862, and shall be either destroyed or sold subject to the provisions of this Act; and all fines levied for offences, and the proceeds of sales under this Act, shall be paid into the police funds of the burgh or county, as the case may be:

First
resolution:
Prohibition
of sale,
barter, or
exchange.

Penalties for
breach of
this Act.

- Provided that nothing herein contained shall affect any right or privilege conferred or enjoyed by virtue of any licence current or in force when such resolution comes into operation; and that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts and manufactures, or the sale of intoxicating liquors for medicinal use:

- Provided also that it shall not be lawful for any person to sell in such burgh, ward of a burgh, parish, or district any intoxicating liquors for medicinal use except on the prescription of a legally qualified medical practitioner, and unless he is a pharmaceutical chemist, or a chemist and druggist registered under the Pharmacy Act, 1868, or any Act amending the same; and no such prescription shall authorise more than one such sale to be made thereon, and all such prescriptions shall be personally signed by said legally qualified medical practitioner with his full

A.D. 1895.

Christian and surname, and shall be truly dated, and shall further be duly filed and open for inspection by those who have the enforcement of this Act in charge; and it shall not be lawful to sell any intoxicating liquors for medicinal use unless the bottle or other vessel in which such intoxicating liquor is contained be distinctly 5 labelled with the words "Intoxicating Liquors," and the name and address of the seller; and any person selling intoxicating liquor for medicinal use otherwise than is herein provided shall be liable to a penalty not exceeding *five pounds* for the first offence; and not exceeding *ten pounds* for the second or any subsequent offence; and 10 for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

Second
resolution.¹
Reduction
of licences.

10. If the second resolution is adopted, it shall be the duty of the licensing authority at their next general meeting for granting and renewing certificates, to restrict the total number of certificates 15 granted or renewed by them to or within the number specified in the resolution, and for this purpose each certificate shall be numbered by the licensing authority according to the order in which it is granted, and no certificate bearing a higher number than the number specified in the resolution shall be confirmed by the 20 confirming authority, and no licence shall be granted in respect of such certificate by the Commissioners of Inland Revenue. Provided also that the licensing authority may fix and determine the order in which the list of applications shall be dealt with, and in doing so may give consideration to cases of plurality of licences and to 25 their number and character in the different parts of the district.

Third
resolution.
Prohibition
against new
licences.

11. If the third resolution is adopted it shall not be lawful for the licensing authority after receiving intimation thereof to grant a certificate to any person for the sale of intoxicating liquors in any house or premises unless at the time of the adoption of such 30 resolution a licence was current and in force for the sale of intoxicating liquors in such house or premises, and any certificate granted in contravention of this section shall be null and void.

When a poll
may be again
taken.

12. (1.) If the first resolution is adopted, a poll for its repeal may be demanded in manner provided by this Act, but not for *five* 35 *years* after the date of such adoption, and in such case a poll shall be taken on the first resolution only.

(2.) If the second resolution is adopted, a poll may be again demanded on the question of a further reduction, and of the adoption of the first and third resolutions, but not for *two years* 40 after the last poll has been taken.

(3.) If the third resolution is adopted, no further polls shall be competent on that resolution, but in that case a poll may be again demanded on the first and second resolutions, but not for *two years* after the last poll has been taken. A.D. 1895.

5 (4.) If all the resolutions are rejected a poll may be again demanded in manner provided by this Act, but not for *two years* after the last poll has been taken. In the event of the rejection of all the resolutions, the returning officer shall have discretionary power to find the applicants liable in the expenses of the poll should their
10 action be in his judgment unwarranted or objectionable.

13. Where a poll has been taken, the expenses of the proceedings, including in a district the expense of defining the boundaries, shall, except to the extent to which the sheriff or returning officer may find the householders who apply to have the
15 boundaries of a district fixed or a poll taken respectively liable in expenses, be defrayed out of the police assessment in counties and burghs. Expenses.

14. (1.) When any resolution under this Act has been adopted in any burgh, ward of a burgh, parish, or district, it shall be
20 the duty of the Procurator-Fiscal of the Police Court of a burgh, and, in the case of a parish or district, the Procurator-Fiscal of the Sheriff Court of the county, to investigate charges and prosecute for offences under this Act, and he shall, unless he is paid for such duty by salary, be entitled to fees according to the scale fixed in
25 the Summary Jurisdiction (Scotland) Act, 1881, which shall be paid out of the police funds of the burgh or of the county in which such parish or district is situated. Prosecution of offences.

(2.) All offences under this Act shall be prosecuted under the Summary Jurisdiction (Scotland) Act, 1864 and 1881, and any
30 Acts amending the same.

15. This Act may for all purposes be cited as the Liquor Traffic (Local Veto) (Scotland) Act, 1895, and shall apply to Scotland only. Title and extent of Act.

A.D. 1895.

SCHEDULES.SCHEDULE (A).PART I.*Form of Ballot Paper.*

Counterfoil No.	Resolutions.	For.	Against.	5
NOTE.—The Counterfoil is to have a number to correspond with a number on the back of the ballot paper.	I. Prohibition.			
	II. Reduction.			10
	III. No new licences.			

PART II.

15

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for or against each of the three resolutions.

20

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross opposite each resolution either in the column headed "For" or in the column headed "Against," thus X

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

25

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

30

If the voter votes more than once for any Resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

35

Note.—These directions shall be illustrated by examples of the ballot paper.

SCHEDULE (B).

A.D. 1895.

To (Provost or Chief Magistrate of)

or

To the Honorable the Sheriff of

5 The County of

We, the undersigned, being not fewer than one-tenth of the whole householders

, do hereby in terms of the
Liquor Traffic, Local Veto (Scotland) Act, 1895, section 3, require you to take
a poll of the householders in said

10 for or against the adoption of the three resolutions specified in said Act.

Place and date

Signatures

Liquor Traffic, Local Veto (Scotland).

A

B I L L

To enable owners and occupiers in burghs, wards of burghs, parishes, and districts in Scotland to prevent the common sale of Intoxicating Liquors, or otherwise to have effectual control over the Drink Traffic, within such areas.

*(Prepared and brought in by
Mr. Beith, Mr. John Wilson (Govan),
Sir Chas. Cameron, Sir Leonard Tyell,
Mr. Cameron Corbett, Dr. Clark, Mr. Birrell,
and Mr. Dunn.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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30, West Nile Street, Glasgow; or
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[Price 1½d.]

[Bill 11.]

A

B I L L

TO

Give Suitors in the Court of Passage in the city of A.D. 1895.
 Liverpool a right of appeal, in certain cases, to the
 High Court from orders made and decisions and
 directions given by the Registrar; and also to make
 provisions with regard to the jurisdiction of the
 Court.

WHEREAS it is expedient to give suitors in the Court of Passage
 in the city of Liverpool a right of appeal, in certain cases, to
 the High Court from orders made, and decisions and directions
 given by the registrar; and also to make provisions with regard to
 5 the jurisdiction of the Court:

Be it therefore enacted by the Queen's most Excellent Majesty,
 by and with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the authority of the same, as follows:

10 **1.** This Act may be cited as the Liverpool Court of Passage Short title.
 Act, 1895.

2. If and whenever at any time after the *passing of this Act* the Provisions
as to appeals.
 presiding judge of the Court of Passage shall, with the sanction of
 the authority for the time being empowered to make Rules for the
 15 Supreme Court, adopt and apply to the Court of Passage Order
 XIV. of the Rules of the Supreme Court, an appeal from any
 orders made and decisions and directions given by the registrar of
 the Court under the said Order XIV. shall be to the presiding
 judge if he shall be, at the time when such appeal is ready for
 20 hearing, resident in or near the city of Liverpool; but if the
 presiding judge shall not then be so resident the appeal shall be
 to a judge of the High Court at Chambers, and such appeal shall
 be subject to the same rules, regulations, and provisions as
 are applicable to an appeal from a district registrar of the
 25 Supreme Court.

[Bill 312.]

A.D. 1895.

Limitation
of costs.

3. Where any action shall be brought in the Court of Passage which could have been brought in a county court whereby a less sum than *ten pounds* is recovered, the plaintiff shall not recover from the defendant a greater amount of costs than he would have been allowed if the action had been brought in a county court. 5

Transfer of
trial to
county
court.

4. Where in any action of contract brought in the Court of Passage the claim endorsed on the writ is for a less sum than *ten pounds*, or where such claim, though it originally exceeded *ten pounds*, is reduced by payment, an admitted set-off or otherwise to a less sum than *ten pounds*, it shall be lawful for either party to the action, if the whole or part of the demand of the plaintiff be contested, to apply to the presiding judge or registrar of the Court at Chambers to order such action to be tried in any county court in which the action might have been tried, and on the hearing of the application the presiding judge or registrar shall, unless there is 10
good cause to the contrary, order such action to be tried accordingly, 15
and thereupon the plaintiff shall lodge the original writ and the order with the registrar of the county court mentioned in the order, who shall appoint a day for the trial of the action, notice whereof shall be sent by post or otherwise by the registrar of the 20
county court to both parties or their solicitors, and the action and all proceedings therein shall be tried and taken in such court as if the action had been originally commenced therein.

Liverpool Court of Passage.

A

B I L L

To give Suitors in the Court of Passage in the city of Liverpool a right of appeal, in certain cases, to the High Court from orders made and decisions and directions given by the Registrar ; and also to make provisions with regard to the jurisdiction of the Court.

(*Prepared and brought in by*
Mr. Walter Long, Baron Henry de Womms,
Dr. Connors, and Mr. Swayne)

Ordered, by The House of Commons, to be Printed,
13 June 1895.

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[*Price ½d.*]

[Bill 312.]



